

BILL NO. *B-85-10-44*

B-31-85
ORDINANCE NO. ~~G-85-10-44~~
As amended as amended as
amended as amended

1
2
3 AN ORDINANCE amending the Municipal Code
4 of the City of Fort Wayne, Indiana; by
5 adopting I.C. 36-7-9-1 et seq. dealing
6 with the enforcement of unsafe building
7 standards; by adopting safe housing
8 standards; by creating a Safe Housing
9 and Building Advisory Commission; by
10 repealing a previous ordinance and
11 adopting certain additional provi-
12 sions.

13
14 WHEREAS, it is necessary for the City of Fort Wayne,
15 Indiana, to have an updated Unsafe Building Standard; and

16 WHEREAS, it is in the best interests of this City
17 and its citizens to adopt new Safe Housing Standards to
18 protect public health, safety and general welfare; and

19 WHEREAS, said new Standards will specifically insure
20 that no residential or commercial buildings within the
21 City of Fort Wayne will endanger the life, health, property
22 and safety of the public or its occupants; and

23 WHEREAS, said new Standards are specifically intended
24 to insure that all buildings, dwellings, dwelling units,
25 and accessory structures are safe, sanitary and fit for
26 human occupancy; and to provide for the correction, repair
27 or removal of all substandard structures.

28 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
29 OF THE CITY OF FORT WAYNE, INDIANA:

30 SECTION 1. Repeal.

31 General Ordinance G-14-74, relating to unsafe buildings
32 and premises, is hereby repealed. Chapter 14, Article IV,
Sections 14-23 through 14-60 of the Municipal Code of the
City of Fort Wayne, Indiana is repealed.

*Passed
12-23-85*

SECTION 2. Amendment.

The Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by adding a new Chapter 14.1, entitled "Enforcement of Safe Housing and Building Standards", which new chapter consists of the following sections.

Article I. In General

SEC 14.1-1. Definitions. For the purposes of this ordinance the following definition(s) shall apply.

a. Terms Identified.

1. Accessory Structure. A detached building structure in a secondary or subordinate capacity from the main or principal structure on the same premises.
2. Approved. Shall mean approved by the Enforcement Authority under the provisions of this ordinance, or approved by other appropriate authority designated by law to give approval in the matter in question.
3. Basement. The lowest story of a building or the one just below the main floor.
4. Cellar. That portion of a building located partly or completely below grade, having at least one-half of its height below grade, and used for storage.
5. Central Heating. The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms, and water closet compartments from a source outside of these rooms.
6. Chimney. A vertical shaft of reinforced concrete,

1 masonry, or other approved material enclosing
2 one (1) or more flues, for the purpose of removing
3 products of combustion from solid, liquid, or
4 gaseous fuel.

5 7. Dilapidated. No longer adequate for the purpose
6 or use for which it was originally intended.

7 8. Dwelling. A structure, partly or wholly, intended
8 for or being used for residential purposes.

9 A. Single Family Dwelling A building containing
10 one dwelling unit.

11 B. Multi-family Dwelling. A building or portion
12 thereof containing two or more dwelling
13 units.

14 9. Dwelling Unit. A single unit providing complete,
15 independent living facilities for one or more
16 persons including permanent provisions for living,
17 sleeping, eating, cooking, and sanitation.

18 10. Egress. An arrangement of exit facilities to
19 assure a safe means of exit from a building to
20 ground level.

21 11. Enforcement Authority. Department of Safe Housing
22 and Building Standards of the City of Fort Wayne.

23 12. Enforcement Officer. The official designated
24 herein or otherwise charged with the responsibilities
25 of administering this ordinance.

26 13. Extermination. The control and elimination of
27 insects, rodents, or other pests by eliminating
28 their harborage places; by removing or making
29 inaccessible, materials that may serve as their
30 food; by poisoning, spraying, fumigating, trap-
31 ping, or by any other recognized and legal
32 pest elimination methods approved by the local or

state authority having such administrative authority.

14. Family. One individual living alone, or two or more individuals living together whether related by birth or not and having common housekeeping facilities. (See also Household).
15. Floor Area. The area included within the surrounding walls of a structure exclusive of vents, shafts, and courts.
16. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food.
17. Guest. An individual who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.
18. Habitable Space. Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.
19. Household. One or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities. (See also Family).
20. Infestation. The presence, within or contiguous to a structure or premises, of insects, rats, vermin, or other pests.
21. Lead Based Paint. Any paint containing more lead than the level established by the U.S. Consumer Product Safety Commission as being the "safe" level of lead in residential paint and paint products. The current level is 0.5 percent.

- 1 22. Let for Occupancy or Let. To permit possession
2 or occupancy of a dwelling, or dwelling unit,
3 by a person who shall be the legal owner of record
4 or not be the legal owner of record thereof,
5 pursuant to a written or unwritten lease, agree-
6 ment or licensee, or pursuant to a recorded or
7 unrecorded agreement of contract for the sale of
8 land.
9 23. Occupant. Any individual, over one (1) year
10 of age, living, sleeping, cooking, or eating
11 in or having possession of a dwelling unit; except
12 that in dwelling units a guest shall not be
13 considered an occupant.
14 24. Operator. Any person who has charge, care or
15 control of a structure or premises, which are
16 let or offered for occupancy.
17 25. Owner. See "Substantial Property Interest"
18 26. Permissible Occupancy. Shall mean the maximum
19 number of individuals permitted to reside in
20 a dwelling or dwelling unit.
21 27. Person. Any individual, firm, corporation,
22 association, partnership, cooperative or govern-
23 mental agency.
24 28. Plumbing. The practice, materials, and fixtures
25 used in the installation, maintenance, extension
26 and alteration of all piping, fixtures, appli-
27 ances, and appurtenances used for, or intended to
28 be used for the transfer of water or liquid waste.
29 29. Plumbing Fixture. A receptacle or device which
30 is either permanently or temporarily connected
31 to the water distribution system of the premises
32 and demands a supply of water therefrom; or

discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

30. Premises. A lot, plot, or parcel of land including the building or structures thereon.

31. Properly Connected. Connected in accordance with all applicable codes and ordinances of the City of Fort Wayne as from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any existing connection in good working order and not constituting a hazard to health, safety, or deterioration of property.

32. Public Nuisance. Includes the following:

a. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or the required precautions against trespassers have not been provided; or

b. Any premises from which the plumbing, heating, electrical and/or facilities required by this ordinance have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective; or

c. Any structure or building that is in a state of dilapidation, deterioration or decay;

1 faulty construction; overcrowded; (Sec
2 14.1-14) open, vacant or abandoned; damaged
3 by fire to the extent as not to provide
4 shelter; in danger of collapse or failure and
5 is dangerous to anyone on or near the
6 premises; or

7 d. Any structure where the paint has been
8 severely removed by time or where the paint
9 is checked or bleeding.

10 33. Rat Harborage. Shall mean any conditions or place
11 where rats can live, nest, or seek shelter.

12 34. Ratproofing. Shall mean a form of construction
13 which will prevent the ingress or egress of rats
14 to or from a given space or building, or from
15 gaining access to food, water, or harborage.
16 It consists of the closing and keeping closed
17 every opening in foundations, basements, cellars,
18 exterior and interior walls, ground or first
19 floors, roofs, sidewalk gratings, sidewalk
20 openings, and other places that may be reached and
21 entered by rats climbing, burrowing or other
22 methods, by the use of materials impervious to
23 rats and other methods approved by the Board of
24 Health.

25 35. Refuse. Shall mean all putrescible and nonputres-
26 cible solids (except body wastes) including
27 garbage, rubbish, ashes and dead animals.

28 36. Refuse Container. Shall mean a watertight contain-
29 er that is constructed of metal or other durable
30 material such as vinyl or plastic that is capable
31 of being serviced without creating insanitary
32 conditions.

37. Required. Required by some provision of this ordinance.

38. Rooming House. Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator for occupancy by three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

39. Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used as a residence, but not for cooking or eating purposes.

40. Rubbish. Combustible waste materials, except garbage, including the residue from the burning of wood, coal, coke, and other combustible materials; paper; rags; cartons; boxes; wood; excelsior; rubber; leather; tree branches; yard trimmings; tin cans; metals; mineral matter; glass; crockery; and other similar materials.

41. Safe and Safety. Shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.

42. Space Heater. A self-contained, heating appliance of either the conventional type or the radiant type and intended primarily to heat only a limited space or area such as one room or two adjoining rooms.

43. Stairway. One or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage

from one floor or level to another in a building or structure.

44. Structure. That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

45. Supplied. Paid for, furnished by, provided by, or under the control of the owner, operator, or agent.

46. Substantial Property Interest. Shall mean the interest reflected by a deed, lease, license, mortgage, land sale contract, or lien or evidence of such that is:

- a. recorded in the office of the county recorder; or
- b. the subject of written information that is received by the Enforcement Authority and includes the name and address of the holder of the interest described.

47. Temporary Housing. Any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

48. Toxic Substance. Any chemical product applied

1 on the surface of or incorporated into any
2 structural or decorative material which con-
3 stitutes a potential hazard to human health at
4 acute or chronic exposure levels.

5 49. Ventilation. The process of supplying and removing
6 air by natural or mechanical means to or from
7 any space.

8 a. Mechanical Ventilation. By power driven
9 devices.

10 b. Natural Ventilation By opening to outer
11 air through windows, skylights, doors,
12 louvers, or stacks without winddriven
13 devices.

14 50. Water Closet. A toilet bowl which is flushed
15 with water which has been supplied under pressure
16 and equipped with a water sealed trap.

17 51. Workmanlike. Whenever the words "workmanlike
18 state of maintenance and repair" are used in
19 this ordinance they shall mean that such main-
20 tenance and repair shall be made in a reasonably
21 skillful manner.

22 b. Meaning of Certain Words - Whenever the words "dwel-
23 ling," "dwelling unit," "rooming unit," "premises,"
24 "structures," are used in the ordinance they shall be
25 construed as though they were followed by the words "or
26 any part thereof." Words used in the singular include
27 the plural, and the plural singular.

28 c. Undefined Words - Words not specifically defined in
29 this ordinance shall have the common definition set
30 forth in a standard dictionary.

SEC 14.1-2. Administration of Ordinance.

The Department of Safe Housing and Buildings Standards, hereinafter called the "Department", is authorized to administer this ordinance. The Department is hereby declared to be a part of, and under the supervision of the Division of Community Development and Planning. All persons designated by the Administrator of the Department to enforce this ordinance must have a Special Police Commission granted by the Board of Public Works and Safety authorizing them to enforce this ordinance.

SEC 14.1-3. Delegation of Enforcement Power.

The Enforcement Authority may delegate to other city officials authority to enforce all or part of the provisions of this ordinance. The City-County Board of Health and the Fort Wayne Fire Department have full authority to enforce this Ordinance.

SEC 14.1-4. Restrictions on Employees.

No employee connected with the Enforcement Authority shall be financially interested in the furnishing of labor, material or appliances for the repair, alteration or maintenance of a building, dwelling, or dwelling unit on which a notice or Order by the Department has been issued, or in the making of plans or specifications therefrom, unless he or she is the owner of such building.

Article II. Unsafe Building Standards

SEC 14.1-5. Adoption

I.C. 36-7-9-1 through I.C. 36-7-9-28, entitled "En-

1 forcement of Building Standards," are hereby adopted in
2 their entirety, incorporated by reference and made a
3 part hereof as if copied verbatim. These provisions
4 are further supplemented by the provisions of this
5 ordinance. All proceedings within the City of Fort
6 Wayne for the inspection, repair and removal of unsafe
7 buildings shall be governed by I.C. 36-7-9-1 through
8 I.C. 36-7-9-28 and by the provisions of this ordinance
9 and any other applicable City ordinance.

10 SEC 14.1-6. Unsafe Buildings and Unsafe
11 Premises.

12 The description of an unsafe building contained in
13 I.C. 36-7-9-4 is hereby supplemented to provide
14 minimum standards for building conditions or main-
15 tenance in the City of Fort Wayne, Indiana, by adding
16 the following. Any building or structure which has any
17 or all of the conditions or defects hereinafter
18 described shall be deemed to be an unsafe building,
19 provided that such conditions or defects exist to the
20 extent that life, health, property, or safety of the
21 public or its occupants are endangered.

- 22 1. Whenever any door, aisle, passageway, or
23 other means of exit is not of sufficient
24 width or size or it not so arranged as to
25 provide safe and adequate means of exit
26 in case of fire or panic; or
- 27 2. Whenever the stress in any materials, member
28 or portion thereof, due to all dead and
29 live loads, is more than one and one-half
30 times the working stress or stresses approved
31 for new buildings of similar structure,
32 purpose, or location; or

3. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the approved minimum requirements for new buildings of similar structure, purpose, or location; or
4. Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property; or
5. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses approved for such buildings; or
6. Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is approved in the case of similar new construction; or
7. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construc-

tion; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay, or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse; or

8. Whenever the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used; or

9. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the footer; This item shall not be the sole criteria for evaluating non-inhabited accessory structures. or

10. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings; or

11. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become (a) an attractive nuisance to children, or (b) freely accessible to persons for the purpose of

committing unlawful acts; or

12. Whenever any building or structure that has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the Building Department of Allen County, or of any law or ordinance of this state or City relating to the condition, location, or structure of buildings; or

13. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than sixty-six percent of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics approved by law in the case of a newly constructed building of like area, height, and occupancy in the same location; or

14. Whenever a building or structure, used or intended to be used for residential or non-residential purposes because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise is determined by the Enforcement Authority to be unfit for human occupancy, to be insanitary, or in such a condition that is likely to cause sickness or disease; or

15. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connection, or heating apparatus, or other cause, is determined by the Enforcement Authority to be a fire hazard; or

16. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

SEC 14.1-7. Substantial Property Interest.

The definition of substantial property interest contained in I.C. 36-7-9-2 is hereby adopted and incorporated by reference, including the portion of the definition which applies to a consolidated city.

SEC 14.1-8. Unsafe Building Fund.

An Unsafe Building Fund is hereby established in the operating budget of the City of Fort Wayne in accordance with the provisions of I.C. 36-7-9-14. Money in the Unsafe Building Fund shall be held and distributed in accordance with State Law and pursuant to the instruction of the City Controller.

Article III. Safe Housing Standards.

Division 1. Generally

SEC 14.1-9. Title and General Purpose.

This article shall be cited as the "Safe Housing Standards." This article articulates the commitment of the City to protect, preserve, and promote the physical and mental health and social well being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health and safety and to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health; by establishing legislation which provides for the administration and enforcement of, and cites minimum standards for the following:

1. basic equipment and facilities with respect to light, ventilation, and thermal conditions;
2. safety from fire and accidents;
3. the use and location and amount of space for human occupancy; and
4. the determination of the responsibilities of owners, operators, and occupants of dwellings.

SEC 14.1-10. Scope.

The provisions of this article shall apply to all residential structures and residential portions of mixed occupancy buildings existing at the date of the adoption of this ordinance and thereafter erected, and shall apply to all conversions and future conversions of existing buildings from non-residential to residential or partially residential.

Division 2. Minimum Standard for Housing

SEC 14.1-11. Minimum Standards for Basic Facilities.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements.

(a) Water Supply Facilities.

The water supply system of every building used in whole or in part for dwelling purposes shall be furnished from an approved source. The water supply system shall be installed and maintained to provide at all times, while the dwelling or dwelling unit is occupied, a supply of water to plumbing fixtures in sufficient volume and at pressures adequate to enable them to function satisfactorily.

(b) Plumbing - Installation and Maintenance.

All plumbing facilities, water closets, water and waste pipes and other plumbing fixtures in every dwelling or dwelling unit shall be properly installed and maintained in good, sanitary working condition and repair; free from defects, leaks, and obstructions and in accordance with the requirements of this Standard and the Indiana Plumbing Rules, 1981 edition.

(c) Water Heating Facilities.

Every dwelling unit shall contain water heating facilities which are properly installed, operated, and maintained in safe and good working condition and are properly connected to the bathtub or shower, sink, and lavatory basin. Such water heating facilities shall be capable of automatically heating water to such a

1 temperature as to permit water to be drawn at every
2 required bathtub or shower, sink, and lavatory basin at
3 a temperature of not less than one hundred ten (110)
4 degrees Fahrenheit. All gas fired water heaters shall
5 be vented to the outside.

6 (d) Sewerage System.

7 Each dwelling and each dwelling unit shall have each
8 drainage outlet connected to the public sanitary
9 sewerage system, or a private sewerage system approved
10 by the City-County Board of Health. Every plumbing
11 stack, waste and sewerage line shall:

12 (1) be properly installed;

13 (2) be maintained as to function properly; and

14 (3) be kept free from obstructions, leaks, and
15 defects to prevent health hazards.

16 (e) Water Closet and Lavatory Facilities.

17 Every dwelling unit shall contain, within a room which
18 affords privacy, a water closet and a lavatory basin
19 in good working condition which shall be properly
20 connected to the public sanitary sewer or to an
21 approved sewerage disposal system. Such water closet
22 and lavatory basin shall be within and accessible from
23 within the dwelling unit. The lavatory basin shall be
24 properly connected to both hot and cold water lines,
25 and the water closet shall be properly connected to a
26 cold water line.

27 (f) Bathing Facilities.

28 Every dwelling unit shall contain within a room which
29 affords privacy, a bathtub or shower in good working
30 condition which shall be properly connected to both
31 hot and cold water lines and to the public sanitary
32 sewer, or private sanitary sewer system approved by

1 the City-County Board of Health. Such bathing facilities shall be within and accessible from within the
2 dwelling unit.

3 (g) Kitchen and Kitchen Facilities.

4 (1) Every dwelling unit shall contain a room
5 or space for the preparation and cooking of food
6 which shall include space and connections for
7 a stove or other cooking facilities, and a space
8 for refrigerated food storage.

9 (2) Every dwelling unit shall contain a sink
10 in good working condition which shall be properly
11 connected to both hot and cold water lines and
12 to the public sanitary sewer. A lavatory basin
13 shall not meet this requirement of a kitchen
14 sink.

15 (3) The use of gasoline stoves or other similar
16 fuel burning appliances using high flammable
17 liquids and the use of portable kerosene stoves
18 or other similar fuel burning portable appliances
19 for cooking is prohibited.

20 (4) Hoods and ducts over kitchen ranges shall
21 be reasonably free of grease or other flammable
22 residue that collect therein.

23 (h) Egress.

24 Every dwelling, dwelling unit and rooming house shall
25 have safe, unobstructed means of egress leading to
26 safe and open space at ground level.

27 (i) Exits.

28 Every door available as an exit from an occupied
29 dwelling shall be capable of being opened from the
30 inside and without the use of a key, unless there is an
31 alternate means of egress leading to a safe and open
32

space at ground level in case of fire.

(j) Fire Protection.

Every building used in whole or in part for dwelling purposes shall be provided with the fireproofing and fire protection systems as required by the City of Fort Wayne Fire Protection Code, Chapter 12.

(k) Garbage and Rubbish.

Every dwelling unit shall have garbage and rubbish storage containers sufficient to meet the needs of the occupants. Each container shall be watertight constructed of metal or other durable material impervious to rodents, and maintained in a sanitary condition.

SEC 14.1-12. Minimum Standards for Light, Ventilation, Heating, and Electrical Service.

No person shall occupy, or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

(a) Light.

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten per cent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstructing structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever

1 the only window in a room is a skylight-type window
2 in the top of such room, the total window area of
3 such skylight shall equal at least fifteen per cent
4 of the total floor area of such room.

5 (1) Artificial Light.

6 The Enforcement Authority may approve such other
7 devices or arrangements as will adequately light
8 a habitable room, where provision for a window
9 or windows is not possible.

10 (2) Lighting of Halls and Stairs.

11 Every public hall and stairway in every multiple
12 dwelling containing four or more dwelling units
13 shall be lighted at all times with natural or
14 artificial light equal to the illumination of
15 one 60 watt bulb. Every public hall and stairway
16 in structures devoted solely to a dwelling
17 occupancy and containing not more than three
18 dwelling units shall be supplied with conveniently
19 located light switches, controlling a lighting
20 system which may be turned on when needed, instead
21 of full time lighting.

22 (b) Ventilation.

23 Every habitable room shall have at least one window
24 or skylight which can easily be opened or such other
25 device as will ventilate the room. The total of
26 openable window area in every habitable room shall be
27 equal to at least forty-five per cent of the minimum
28 window area size or minimum skylight type window size,
29 as required in subsection (a) of this section, except
30 where there is supplied some other device affording
31 ventilation and approved by the Enforcement Authority.
32

(1) Bathroom, Kitchen, Water Closet Ventilation.
Every bathroom, kitchen, and water closet compartment shall comply with the light and ventilation requirement for habitable rooms contained in subsections (a) and (b) of this section, except that no window or skylight shall be required in ventilated bathrooms, kitchens, and water closet compartments equipped with a mechanical ventilation system which is in good operating condition.

(2) Mechanical Ventilation.

The Enforcement Authority may approve such other devices or arrangements as will adequately ventilate a habitable room, where provision for a window or windows is not possible.

(c) Locking Window Hardware.

Every window accessible within twelve (12) feet of the adjacent ground shall be supplied with an adequate locking device.

(d) Screens.

The owner of a dwelling unit shall be responsible for providing and hanging all screens whenever the same are required under the provisions of this ordinance except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance or replacement of screens once installed in any one (1) season becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling.

(1) Screens shall be required during May 1st through October 1st to provide protection against mosquitos, flies, bats, and other insects.

1 (2) Every window or other device with openings
2 to outdoor space, used or intended to be used
3 for ventilation, shall likewise be supplied with
4 screens.

5 (3) Screens shall not be required during such
6 period in rooms located four (4) stories or
7 higher.

8 (4) Every basement or cellar window and every
9 other opening to a basement which might provide
10 an entry for rodents shall be supplied with a
11 screen or such other device as will effectively
12 prevent their entrance.

13 (e) Electrical Service.

14 Every dwelling unit and all public and common areas
15 shall be supplied with adequate electric service,
16 outlets and fixtures which shall be properly installed,
17 shall be maintained in good and safe working condition
18 and shall be connected to the source of electric power
19 in a manner prescribed by the Indiana Electrical Rules,
20 1981 edition.

21 (1) Electrical Outlets.

22 (a) Every habitable room shall contain at
23 least two (2) separate duplex convenience
24 outlets. Outlets shall be so located as
25 to reasonably provide service to appliances
26 in different parts of the room. Duplex
27 convenience outlets as herein provided,
28 which may be lacking in owner occupied single
29 family dwellings otherwise meeting the
30 provisions of this Standard shall be in-
31 stalled no later than one year from the
32 passage of this ordinance.

1) (a) A ceiling fixture may be substituted for one of the required duplex outlets in each habitable room, except the kitchen, living room, and family room.

(b) Each bathroom shall have one (1) convenience duplex outlet.

2) In each kitchen at least one separate duplex convenience electrical outlet connected to a twenty (20 amp circuit) shall be located as to supply power for the refrigerator area and for other electrical appliances.

(b) Every outlet and receptacle must be covered in an approved manner to prevent contact of its wiring or terminals with the body or splashing water.

(2) Electrical Fixtures.

At least one (1) supplied ceiling or wall-type electric light fixture shall be provided in every toilet room, bathroom, laundry room, furnace room, public hall, basement, or any other area in which artificial light is required for the safety and welfare of the occupants.

(f) Heating Facilities.

Every dwelling shall have central heating facilities which are properly installed, which are maintained in a safe and good working condition and which are

1 capable of safely and adequately heating all habitable
2 rooms, bathrooms and water closet compartments in
3 every dwelling unit to a temperature of at least sixty
4 eight (68) degrees Fahrenheit at a distance three
5 feet above floor level, at an outdoor temperature
6 of zero (0) degrees Fahrenheit. No habitable room,
7 dwelling or dwelling unit shall contain any flame
8 producing device or appliance for the purpose of
9 providing the required heat in such space or spaces
10 unless such device or appliance shall be provided with
11 a permanent, proper and safe means for the supplying of
12 combustion air and for the venting to the outdoors of
13 all products of combustion. The Enforcement Authority
14 may approve the use of unvented space heaters operated
15 and maintained according to Underwriters Laboratory
16 standards or other approved standards of operation
17 specified for such units.

18 (g) Space Heating Units. No space heater unit shall
19 be used as the primary source for the required heat
20 to a habitable room.

21 SEC 14.1-13. Minimum Standards Relating to Safety and
22 Sanitary Maintenance.

23 No person shall occupy or let to another for occupancy
24 any dwelling or dwelling unit for the purpose of living
25 therein, which does not comply with the following require-
26 ments:

27
28 (A) Sanitary Maintenance.

29 A clean and sanitary condition shall include but is
30 not limited to the following standards:

31 (1) floors, floor coverings and other walking
32

1 surfaces shall be free of filth, garbage, human
2 and animal wastes, litter, refuse and any other
3 insanitary matter; (2) walls, ceilings, windows
4 and doorways shall be free of dirt, greasy film,
5 soot and any other insanitary matter;

6 (3) water closets, lavatories, and sinks shall
7 be kept in a clean and sanitary condition; and
8 no material shall be deposited in any such fixture
9 which may result in the obstruction of such
10 fixture or of any connected plumbing lines.

11 (B) Standards for Good Repair and Safe Condition.

12 Every building and all parts thereof intended for
13 use as a residential dwelling and premise shall, while
14 in use or at any time when the lack of maintenance
15 affects neighboring property, be kept in good repair
16 and in safe condition. Good repair and safe condition
17 shall include but is not limited to the following
18 minimum standards:

19 (1) Exterior Standards.

20 (a) Roofing shall be provided and maintained
21 to prevent the entrance of moisture. All
22 roofing, sheathing and structural com-
23 ponents shall be maintained to render each
24 structurally sound.

25 (b) Existing gutters, leaders, and downspouts
26 shall:

27 (1) be maintained in operable conditions
28 on all dwellings

29 (2) be disconnected from the sanitary
30 sewer systems when inspected and advised
31 by the City of Fort Wayne Water Pollu-
32

tion Control Engineering Department.

(c) Every foundation, wall, floor, ceiling, window, door, and hatchway shall be structurally sound and be maintained so as to be weather tight, water tight, and rodent proof.

(d) Every exterior and interior stair, every porch and appurtenance shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon.

(1) All exterior and interior steps and stairways shall be maintained so as not to have any broken, warped or loose treads and risers.

(2) Every exterior and interior flight of stairs adjacent to a wall and more than four (4) risers high shall have handrails having minimum and maximum heights of thirty (30) inches and thirty-four (34) inches respectively, measured vertically from the nosing of the treads on at least one side of the stairway. (3) Every balcony, raised floor surface, or porch located more than thirty (30) inches above the floor or grade below shall have guardrails not less than thirty-six (36) inches in height.

(4) Handrails and guardrails shall have intermediate rails or ornamental closures which will not allow passage

of an object six (6) inches or more
in diameter.

(e) All chimneys, flues, smoke pipes or
similar devices shall be:

(1) structurally sound

(2) maintained in good repair.

(f) Any piece, part or attachment of the
structure which is so unsecurely fixed as
to be in danger of falling or being dislodged
by the elements so that it may possibly
injure any person or property shall be
secured, removed, or replaced.

(g) Exterior property areas of all premises
shall be kept free of any object, material
or condition, including abandoned or immobile
motor vehicles, which may create a health,
accident or fire hazard, or which is a public
nuisance.

(h) All sheds, barns, garages, fences and
other accessory structures on premises shall
be maintained in good repair, free from
health, accident, or fire hazards, or they
shall be removed from the premises.

(i) Yard spaces and other open areas appur-
tenant to a dwelling shall be graded, paved
or otherwise constructed to drain water
around or away from the premises.

(j) All accessory buildings, garages, barns,
and sheds shall be capable of being secured
to prohibit entrance from unauthorized
persons.

1 (k) Windows shall have panes without major
2 cracks or holes.

3 (2) Interior Standards.

4 (a) Ceilings, walls and floors shall be
5 maintained free of holes, large cracks,
6 or loose and deteriorated materials so
7 that parts which become defective do not
8 constitute a hazard to the occupants nor
9 a harborage for insects or vermin. Split,
10 splintered or badly worn floor boards shall
11 be replaced.

12 (b) Doors to habitable rooms, bathrooms
13 and toilet rooms must fit the opening in
14 which they are hung and be properly equipped
15 with hardware.

16 (c) Cellars, basements, and crawl spaces
17 shall be maintained reasonably free of
18 dampness to prevent conditions conducive to
19 decay or deterioration of the structure.

20 (d) Painting.

21 (1) All exterior wood and ferrous metal
22 surface shall be protected against
23 decay by the use of paint or by other
24 preservative material.

25 (2) All interior loose or peeling paint
26 shall be removed and the exposed surface
27 shall be placed in a smooth and
28 sanitary condition.

29 (3) No paint shall be used for interior
30 painting or any dwelling, dwelling
31 unit, rooming house or rooming unit
32 that is lead based.

(C) Discontinuance of Utilities or Service.

1 (1) No owner, operator, or occupant shall cause
2 any service, facility, or utility which is
3 required to be supplied under this Standard to be
4 removed from or shut off from or discontinued from
5 any occupied dwelling let or occupied by him/her
6 except for such temporary interruption as may
7 be necessary while actual repairs or alterations
8 are in process, or during temporary emergencies
9 when discontinuance of service is approved by
10 the Enforcement Authority.

11 (2) Utilities or Services required under this
12 ordinance shall not be caused to be shut off
13 to an occupied dwelling or dwelling unit by an
14 owner, operator, or agent in order to evict the
15 occupant from a dwelling or dwelling unit.
16 Provided however, an owner, operator or agent may
17 shut off utilities or services at the time the
18 owner, operator or agent has a legal right to
19 possession of the premises. Said legal right to
20 possession of the premises would occur at the
21 expiration of a written notice to quit, at the
22 time provided by contract, or at any other time
23 the owner, operator or agent is entitled to
24 possession of the property.

25 (D) Quality of Materials and Workmanship.

26 Material used in making any repairs shall be of quality
27 suitable for the purpose. Such repair shall be accomp-
28 lished in a workmanlike manner and according to the
29 accepted standards and practices of the appropriate
30 trade.

SEC 14.1-14. Minimum Standards for Space and Occupancy.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements.

(a) General Requirements.

(1) For every dwelling unit there shall be at least one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant over one year of age. The floor area shall be calculated on the basis of the total floor area of the dwelling unit exclusive of stairways. For the purpose of such calculation only the floor area in a basement meeting the requirements for basement occupancy shall be counted.

(2) No room used for sleeping purposes shall have a floor area of less than seventy (70) square feet. No room shall be used for sleeping purposes by two or more persons unless there is at least fifty (50) square feet of floor area for each person twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each child over one year of age and less than twelve years of age.

(3) No dwelling or dwelling unit containing two or more sleeping rooms shall have room arrangements such that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall

1 room arrangements be such that access to a
2 sleeping room can be had only by going through
3 another sleeping room or a bathroom or water
4 closet compartment.

5 (4) At least one half of the floor area of every
6 habitable room shall have a ceiling height of
7 at least seven (7) feet; and the floor area of
8 that part of any room where the ceiling height
9 is less than five (5) feet shall not be considered
10 as part of the floor area in computing the total
11 floor area of the room for the purpose of
12 determining the maximum permissible occupancy
13 thereof.

14 (b) Basement Occupancy.

15 No basement space shall be used as a habitable room
16 or dwelling unit unless:

17 (1) the floor and walls are impervious to leakage
18 of underground and surface run-off water and
19 the area is insulated against dampness;

20 (2) the total of window area in each room is
21 equal to at least the minimum window area sizes
22 as required in Section 2 of this Division.

23 (c) Prohibited Uses.

24 Kitchens and non-habitable or public spaces shall
25 not be used for sleeping purposes. No cellar space
26 shall be used as a habitable space unless it conforms
27 to the minimum requirements of this ordinance.

28 SEC 14.1-15. Responsibilities of Occupants.

29 (a) Prohibited Occupancy.

30 An occupant or tenant shall not sublet any dwelling
31 or dwelling unit which does not comply with the
32 provisions of this Standard. In particular, but not by

1 way of limitation, an occupant shall not permit any
2 portion of a dwelling or dwelling unit to be occupied
3 in violation of the standards and requirements for
4 light, ventilation and occupancy as provided in this
Standard.

5 (b) Sanitary Maintenance.

6 Every occupant of a dwelling or dwelling unit shall
7 keep in a clean and sanitary condition that part of
8 the dwelling or dwelling unit and the premises thereof
9 which he/she occupies or controls.

10 (c) Pest Extermination.

11 Every occupant of a single family dwelling shall be
12 responsible for the extermination of any insects,
13 rats or other pests therein or on the premises.

14 (d) Garbage, Rubbish and Ashes.

15 Every occupant of a structure or part thereof shall
16 dispose of all garbage and rubbish in a clean and
17 sanitary manner by placing it in storage containers
18 as required by this Standard.

19 (e) Egress.

20 The occupant of any dwelling or dwelling unit shall
21 not obstruct in any manner any means of egress from
22 any portion of the premises.

23 (f) Flammable Liquids or Gases or Combustible Materi-
24 als. The occupant of any dwelling or dwelling unit
25 shall not have or store flammable or combustible
26 liquids or gas in an amount considered dangerous by the
27 Fort Wayne Fire Department within the dwelling or
28 dwelling unit.

29 (g) Access for Repairs.

30 Every occupant of a dwelling or dwelling unit shall
31 give the owner thereof, or his/her agent or employee,
32

1 access to any part of such dwelling or dwelling unit,
2 or its premises, at all reasonable times for the
3 purpose of making such inspection and such repairs or
4 alterations as are necessary to effect compliance with
5 the provisions of this Standard or with any lawful rule
6 or regulation adopted or any lawful order issued
7 pursuant to the provisions of this Standard.

8 (h) Heat.

9 (1) Where the heating facilities of any dwelling
10 are under the control of the occupant thereof,
11 it shall be the responsibility of the occupant
12 to operate the heating facilities in order to
13 maintain above-freezing temperature at all times
14 in all portions of the dwelling and the premises
15 he/she occupies and controls so as to prevent
16 damage to water pipes and plumbing.

17 (2) If an occupant has control of the heat in
18 any other dwelling unit in addition to their
19 own dwelling unit, then said occupant shall comply
20 with the provisions as set forth in Section 12
21 (f) of this article.

22 SEC 14.1-16. Responsibilities of Owners.

23 (a) Prohibited Occupancy.

24 No owner shall rent, lease or permit the subletting
25 to another for occupancy any vacant or vacated dwelling
26 or dwelling unit which does not comply with the
27 provisions of this Standard, unless permission for such
28 occupancy has been granted by the Enforcement Au-
29 thority. Such permission shall not be unreasonably
30 withheld by the Enforcement Authority.

31 (b) Sanitary Maintenance.

1 Every owner of a dwelling containing two (2) or more
2 dwelling units shall be responsible for maintaining
3 in a clean and sanitary condition the shared or public
4 areas of the dwelling and the premises thereof.

5 (c) Garbage, Rubbish and Ashes.

6 For every dwelling containing three (3) or more
7 dwelling units, the owner shall provide in a location
8 accessible to all dwelling units, an adequate number of
9 receptacles into which garbage, rubbish and ashes from
10 the dwelling unit receptacles may be emptied for
11 storage between the days of collection.

12 (d) Heat.

13 If the heating facilities of any dwelling or dwelling
14 unit are not under the control of the occupant thereof,
15 and except as otherwise provided below in this article,
16 it is the responsibility of the owner, operator, or
17 agent in charge to operate the heating facilities,
18 during the period between October 1 to May 1, and
19 to maintain an inside temperature as required in
20 Section 12(f) of this article.

21 (e) Ratproofing and Pest Extermination.

22 Every owner shall be responsible for the eradication
23 of any insects, rats or other pests in dwellings
24 containing two or more dwelling units and in the shared
25 or public parts thereof.

26 (f) Posting of Identification -- Owner or Agent.

27 In any dwelling in which the owner does not reside,
28 the name, address and telephone number of the owner
29 or his agent or other responsible person, if any shall
30 be supplied in writing to the occupants of the dwelling
31 and/or posted in a public or prominent place on the
32 premises and the information shall be legible,

1 accurate, and kept up-to-date. A post office box
2 number shall be unacceptable for the address required
3 by this section.

4 (g) Written Agreement.

5 The Enforcement Authority shall honor written
6 agreements between owners and occupants with respect to
7 allocation of responsibility for repair and maintenance
8 of the premise. The presumption is that the owner is
9 responsible unless the owner presents to the
10 Enforcement Authority a written agreement stating
11 otherwise.

12 Division 3. Rooming Houses

13
14 Sec. 14.1-17 Rooming House, Rooming Units,
15 Dormitories, Dormitory Room.

16 No person shall operate a rooming house or dormitory, or
17 shall occupy or let to another for occupancy any dormitory
18 room and/or rooming unit in any rooming house or dormitory,
19 which is not in compliance with the appropriate provisions
20 of every section of this ordinance.

21
22 SEC 14.1-18. Sanitation and Cleanliness.

23 The operator of every rooming house shall be responsible
24 for the sanitary maintenance of all walls, floors and
25 ceilings, and for maintenance of a sanitary condition in
26 every other part of the rooming house; and shall be further
27 responsible for the sanitary maintenance of the entire
28 premises where the entire structure or building is leased or
29 occupied by the operator.

SEC 14.1-19. Violations and Notice.

Whenever upon inspection of any rooming house, the enforcement officer finds that conditions or practices exist which are in violation of any provision of this ordinance, the enforcement officer shall give notice in writing that unless such conditions or practices are corrected with a reasonable period, to be determined by the Enforcement Authority, the operation of such premises as such rooming house shall be discontinued, and, if such rooming house operation is licensed by any duly constituted governmental agency, a recommendation that such license be revoked, for the protection of public health, shall be given to such licensing governmental body or agency by the Enforcement Authority. At the end of such period the Enforcement Authority shall reinspect such rooming house, and if he/she finds that such conditions or practices have not been corrected, he/she shall give notice in writing to the operator that such operations shall cease, and, if such rooming house operation is licensed by any duly constituted governmental agency, the Enforcement Authority shall recommend the immediate revocation of such license by such issuing agency. Upon receipt of such notice from the Enforcement Authority, such operator shall immediately cease operation of such rooming house, and no person shall occupy, for sleeping or living purposes, any rooming unit therein.

SEC 14.1-20. Standards and Minimum Requirements.

No person shall operate a rooming house or dormitory, or shall occupy or let to another for occupancy any dormitory room and/or rooming unit in any rooming house or dormitory,

which does not comply with the following standards and minimum requirements.

Water Closet.

(a) At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Enforcement Authority and in good working condition, shall be supplied for each six (6) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities, provided:

(1) That in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets and provided that there shall be at least one water closet.

(2) That all such facilities shall be so located within the dwelling as to be reasonably accessible to all persons sharing such facilities and from a common hall or passageway and provided that such facilities are not located more than one floor above or below the rooming unit or units served.

(3) That every lavatory basin and bathtub or shower shall be supplied with hot and cold water under pressure at all times.

(4) That, if the rooming house has only one bathroom for use by the occupants of the rooming units, said bathroom shall not be located below grade.

Cooking Facilities.

(b) The following provision shall apply in all rooming

houses and dormitories concerning cooking facilities
and food service:

(1) Cooking in dormitory rooms and rooming units
is prohibited.

(2) All food service and dining facilities
provided in a rooming house or dormitory for the
occupants of same shall comply with applicable
food service legislation.

Access Doors.

(c) Access doors to rooming units and dormitory rooms,
shall have operating locks to insure privacy.

(d) Supplied Linen.

Unless exempted by the Enforcement Authority in
writing, the operator of every rooming house shall
change supplied bed linen and towels therein at least
once a week, and prior to the letting of any room to
any occupant, and the operator shall be responsible for
the maintenance of all supplied bedding in a clean and
sanitary manner.

(e) Habitable Room.

Every rooming unit shall comply with all requirements
of this ordinance pertaining to a habitable room.

(f) Occupancy.

Every rooming unit occupied by one (1) person shall
contain at least eighty (80) square feet of floor
space and every rooming unit occupied by more than
one person shall contain at least sixty (60) square
feet for each occupant thereof.

(g) Egress.

Every rooming unit shall have immediate access to
two (2) or more approved means of egress, with minimum
head room of six (6) feet and six (6) inches, appropri-

1 ately marked, leading to a safe and open space at
2 ground level or as required by the appropriate
3 statutes, ordinances, and regulations of the City of
4 Fort Wayne and the State of Indiana.

5 (h) Handrails and Guardrails.

6 All buildings containing rooming units, dormitories
7 or dormitory units, shall comply with all requirements
8 of this ordinance pertaining to handrails and
9 guardrails.

10 (i) Separation of Rooming Units.

11 Access to or egress from each rooming unit shall be
12 provided without passing through any other rooming
13 unit.

14 (j) Application of Section to Motels and Hotels.

15 Every provision of this Division which applies to
16 rooming houses shall also apply to motels, motor
17 lodges, and hotels, except to the extent that any such
18 provision may be found in conflict with the laws of
19 this state or with the lawful regulations of any state
20 board or agency.

21 Article IV. Unfit Dwelling and Building

22
23 SEC 14.1-21. In General.

24 These provisions shall apply to any building, dwelling
25 or structure that is declared by the Enforcement Authority
26 as unsafe and unfit for human occupancy. The designation
27 of dwellings as unfit for human occupancy and the procedure
28 for the condemning and placarding of such unfit dwellings,
29 and maintenance of all vacant buildings shall be carried
30 out in compliance with the following requirements of this
31 Article.

1
2 SEC 14.1-22. Unfit for Human Occupancy.

3 Any building, dwelling, dwelling unit, rooming house,
4 rooming unit shall be declared by the Enforcement Authority
5 unfit for human occupancy when the following conditions
6 exist:

7 (a) conditions of damage, decay, dilapidation,
8 abandonment, insanitation, or vermin or rodent
9 infestation which constitute a serious hazard to the
10 health or safety of occupants or the public;

11 (b) the lack of required sanitation, illumination,
12 ventilation, heating, electrical, plumbing or other
13 facilities and systems adequate to protect the health
14 and safety as to create a serious hazard to the
15 occupants or the public;

16 (c) conditions or defects described in Sec 14.1-6.
17

18 SEC 14.1-23. Order to Vacate Placard.

19 Whenever a building, dwelling, dwelling unit, rooming house,
20 or rooming unit is declared by the Enforcement Authority
21 as unsafe or unfit for human occupancy the Enforcement
22 Authority may post an Order to Vacate placard requiring
23 such building to be vacated and to remain vacated. Such
24 placard shall be authorized and signed by the Administrator
25 of the Department. It shall contain the address and phone
26 number of the Department and the date by which the occupants
27 shall vacate the building, dwelling, or dwelling unit or
28 portion thereof. The Enforcement Authority may issue an
29 Order to Vacate pursuant to I.C. 36-7-9-5 or 36-7-9-17
30 if the owner or occupant fails to vacate the unsafe premise.
31
32

SEC 14.1-24. Time Allowed to Vacate.

Any building, dwelling, or dwelling unit condemned as unfit for human occupation, and so designated and placarded by the Enforcement Authority shall be vacated within not less than twenty-four (24) hours or more than thirty (30) days as ordered by the Enforcement Authority.

SEC 14.1-25. Unlawful to Remove Placard.

It shall be unlawful for any person to deface, remove or alter any notice or placard from any structure or dwelling which has been placarded under this ordinance except by the express written permission of the Enforcement Authority.

SEC 14.1-26. Reoccupancy of a Vacated Dwelling.

No building or dwelling unit which has been placarded as unfit for human occupancy shall again be used for human occupancy until written approval is secured from and such placard is removed by the Enforcement Authority. The Enforcement Authority shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

SEC 14.1-27. Notice.

The Enforcement Authority, after posting an Order to Vacate a property, shall, in addition to I.C. 36-7-9-25, serve to the owner, agent, or person in control of such property,

a written notice listing the violations that caused this Order to be issued and the action that this Order requires.

Article V. Vacant Building

SEC 14.1-28. Requirements for Vacant Buildings.

The owner of any building or structure or portion thereof that is vacant is required to secure and maintain such according to all requirements of this Chapter relative to exterior condition of the structure and its premise.

SEC 14.1-29. Boarding Specifications.

Unsecured openings in any building, dwelling, dwelling unit, or structure shall be secured with one-half inch (1/2") C.D.X. plywood to be nailed with eight (8) d. Ardox siding nails or equal to the frame of the opening. Other boarding specifications may be approved by the Department.

Article VI. Enforcement

SEC 14.1-30. Inspection Authority.

The Enforcement Authority shall inspect buildings, dwellings, dwelling units and accessory structures and premises based on the following provisions:

(a) The Enforcement Authority is hereby authorized and directed to make inspections where probable cause exists or with consent of the owner, agent, or occupant to determine the condition of buildings, dwellings, dwelling units, rooming units and premises located within the City of Fort Wayne in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Enforcement Authority is hereby authorized to enter, examine and survey at all reasonable times all

1 buildings, dwellings, dwelling units, rooming units
2 and premises. In the event the owner or occupant of
3 any building, dwelling, dwelling unit or rooming unit
4 or the person in charge thereof, refuses to give the
5 Enforcement Authority free access to such dwelling,
6 dwelling unit or rooming unit and its premises, the
7 Enforcement Authority may apply for an inspection
8 warrant pursuant to I.C. 36-7-9-16.

9 (b) Where conditions of an area, passage of time,
10 the nature of the building, or a need to conduct a
11 periodic, area-wide inspection exists, and where a
12 showing of such is made by affidavit, an inspection
13 warrant shall be issued by a court of record in Allen
14 County directing the inspection of the property
15 concerned.

16 (c) The Enforcement Authority is authorized in order
17 to protect the life, health and safety of persons or
18 property to take emergency action and recover costs.

19 (d) The Enforcement Authority is authorized and
20 directed to proceed with a full inspection of any
21 structure that is deemed to be a public nuisance by the
22 fact that it is unsealed, unsecured, and vacant.

23 SEC 14.1-31. Notices; Hearing.

24 (a) Whenever the Enforcement Authority determines
25 there are reasonable grounds to believe that there
26 has been a violation of any provision of this
27 ordinance, it may serve notice of such alledged
28 violation to the person or persons responsible
29 therefore. The Enforcement Authority is not required
30 to serve a notice prior to an Order pursuant to
31 I.C. 36-7-9-5.

1 (b) Any person affected by any notice of any provision
2 of this ordinance may request and shall be granted
3 a hearing on the matter before the Enforcement
4 Authority, provided, that such person shall file in the
5 office of the Enforcement Authority a written petition
6 requesting such hearing and setting fourth a brief
7 statement of the ground therefore within ten (10) days
8 after the day the notice was served. Upon receipt of
9 such petition the Enforcement Authority shall set a
10 time and place for such hearing and shall give the
11 petitioner written notice thereof. At such hearing the
12 petitioner shall be given an opportunity to be heard
13 and to show why such notice should be modified or
14 withdrawn. The hearing shall be commenced not later
15 than ten days after the day on which the petition was
16 filed; provided, that upon application of the peti-
17 tioner the Enforcement Authority may postpone the date
18 of the hearing for a reasonable time beyond such ten
19 (10) day period, if in its judgment the petitioner
20 has submitted a good and sufficient reason for such
21 postponement.

22 (c) When the Enforcement Authroity issues an Order
23 to Repair, a hearing shall be conducted pursuant to
24 IC 36-7-9-7.

25 (d) The hearing officer shall not be an employee of
26 the City of Fort Wayne.

27 SEC 14.1-32. Violations and Penalties.

28 Any violation of I.C. 36-7-9-28 or any provision of this
29 ordinance shall upon conviction by the court be punished
30 by a fine not to exceed five hundred dollars (\$500) per
31

violation. Each and every day on which the condition exists shall constitute a separate and distinct violation. All fines and costs recovered by the City pursuant to this ordinance shall be placed in the Unsafe Building Fund.

Article VII. Safe Housing and Building Advisory Commission

Sec 14.1-33. Establishment and Composition.

There is hereby created and established by the City the Safe Housing and Building Advisory Commission consisting of five (5) members. The Mayor of the City shall appoint the four members as follows: One member selected from the Fort Wayne Fire Department; and three citizen members with expressed knowledge and interest in the building and housing trades. The Common Council shall select one member with expressed knowledge and interest in the building and housing trade.

Sec 14.1-34 Appointment, Term, Etc., of Members

1. The Commission shall be appointed:

(a) within thirty (30) days following the passage of this Ordinance. Subsequent to this initial appointment, members shall be appointed on January 1 of each year beginning in 1987.

(b) to serve a three (3) year term, terms to be staggered. No limit shall be set on numbers of terms a Commission member can serve, all members to serve without compensation.

(c) at the outset by the Mayor: one person to service one (1) year; one (1) person to serve two (2) years; and two (2) persons to serve three (3) years. The

Common Councilperson shall serve two (2) years.

2. Organizational Meeting.

(a) The first meeting of the Commission shall be convened by the Administrator of the Department.

(b) The Commission shall elect a chairperson and secretary from among its members.

(c) The secretary shall be charged with the duty of keeping and maintaining the necessary minutes and other records.

(d) In the absence of the chairperson at a meeting the secretary shall chair the meeting.

3. Meetings, Rules and Regulations.

The Commission shall meet at the request of the Department at least two (2) times a year or upon special call by the chairperson; or upon the written request to the chairperson by any three (3) members.

4. Quorum.

Three (3) members of the Commission shall constitute a quorum to do business.

5. Vacancies.

In the case of a vacancy in office due to death, resignation, incapacity, removal or otherwise; the appointment to fill the vacancy so occurring shall be made by the Mayor for the unexpired term only. In case of vacancy of the member appointed by the City Council, the Council shall fill the vacancy for the unexpired term only.

Sec 14.1-35. Duties.

The Commission shall (a) adopt a schedule setting forth the maximum amount of performance bonds applicable to

1 various types of orders pursuant to I.C. 36-7-9-7(f), and
2 (b) determine the amount of the average processing expense
3 pursuant to I.C. 36-7-9-12.

4 SECTION 3. Severability.

5 Should any section, paragraph, sentence, clause or phrase
6 of this ordinance be declared unconstitutional or invalid
7 for any reasons, the remainder of said ordinance shall
8 be not affected thereby.

9
10 SECTION 4. Conflict of Ordinances.

11 In any case where a provision of this ordinance is found
12 to be in conflict with a provision of any ordinance or
13 standard of the City of Fort Wayne, the provision which
14 establishes the higher standard for the promotion and
15 protection of the health and safety of the people shall

16
17 prevail. If any provisions of this ordinance are in
18 conflict with state law, the state law prevails.

19
20 SECTION 5. Pending Actions.

21 This Chapter shall not be construed or held to repeal any
22 former ordinance as to any offense committed against such
23 former ordinance or as to any act done, any penalty,
24 forfeiture or punishment so incurred or any right accrued or
25 claim arising under the former ordinance.

26
27 SECTION 6.

28 This ordinance shall be in full force and effect from and
29 after its passage, approval by the Mayor and legal publica-
30 tion thereof.

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COUNCILPERSON

APPROVED AS TO FORM AND LEGALITY.

Bruce O. Boxberger, City Attorney

Dated this _____ day of _____, 1985.

Read the first time in full and on motion by Redd,
seconded by Delo, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ .M., E.S.

DATE: 10-22-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd,
seconded by Delo, and duly adopted, placed on its
passage. PASSED (~~lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>2</u>	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 12-23-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. B-31-85
on the 22nd day of December, 1985,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark C. G. Dint
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 30th day of December, 1985,
at the hour of 3:00 o'clock P. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of December,
1985, at the hour of 4:00 o'clock P. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

PROPOSED CHANGES TO G85-10-44

12-9-85 Schmidt

PAGE	LINE	CHANGE	
			①
13	30	add "this item shall not be the sole criteria for evaluating non-inhabited accessory structures."	
22	5	add "with natural or artificial light equal to the illumination of one 60 watt bulb."	②
36	13	In any dwelling in which the owner does not reside, the name, address and telephone number of the owner or his agent or other responsible person, if any, shall be supplied in writing to the occupants of the dwelling and/or posted in a public or prominent place on the premises and the information shall be legible, accurate, and kept up-to-date. A post office box number shall be unacceptable for the address required by this section.	③
46	5	add a (c) When the Enforcement Authority issues an Order to Repair, a hearing shall be conducted pursuant to IC 36-7-9-7.	④
46		add a (d) The hearing officer shall not be an employee of the City of Ft. Wayne.	⑤

Dec 14 11:16

Page 6
u b e.
32d. Passed
272

Page 34
MAY 27

Amendment

p. 11 Art. II under adoption

*Motion made by Town
2nd by Ben*

The Apartment Owners' Association requests that the Safe Housing Ordinance be amended to include the following language:

That residential structures subject to this ordinance shall not be deemed in non-conformity with the building standards of this ordinance if such structures complied with any applicable building standards in force at the time the residence was built, provided, however, that this exception shall not apply in any instance where the residence is deemed unsafe for human habitation due to structural damage and deterioration or lack of water supply and sewage disposal facilities.

*Held
until 23rd*

*Amendment
passed*

*Motion - Town
2nd Ben*

*p. 44 line 7 - ~~after~~ ~~after~~ -
add after inspections
(when probable cause exists)*

DRAFT
Amendments to Bill Number G-85-10-44
Proposed By
Safe Housing Enforcement Department

<u>AMENDMENT</u>	<u>PAGE</u>	<u>LINE</u>	<u>CHANGE(S)</u>
1.	6	29	After "overcrowded" insert "(Sec 14.1-14)"
2.	7	15	Delete "gnawing" and add "s" to "rat"
3.	7	22	Delete "impervious to rodents" and Insert "such as vinyl or plastic"
4.	7	24-25	Delete "Openings into the container such as covers and doors shall be tight fitting."
5.	7	27	Insert after definition for "Required" 38. <u>Rooming House</u> . Any dwelling, or that part of any dwelling contain- ing one or more rooming units, in which space is let by the owner or operator for occupancy by three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.
6.	7	27	Insert after definition for "Required" 39. <u>Rooming Unit</u> . Any room or group of of rooms forming a single habitable unit used or intended to be used as a residence, but not for cooking or eating purposes.
7.	7		Numbering Changes: 38 to 40 for Rubbish 39 to 41 for Safe & Safety 40 to 42 for Space Heater 41 to 43 for Stairway 42 to 44 for Structure 43 to 45 for Supplied 44 to 46 for Substantial Property Interest 45 to 47 for Temporary Housing 46 to 48 for Toxic Substance 47 to 49 for Ventilation 48 to 50 for Water Closet 49 to 51 for Workmanlike
8.	10	28	Add: "The City-County Board of Health and the Fort Wayne Fire Department have full authority to enforce this Ordinance."
9.	13	30	Delete "base" and insert "footer" before the semicolon.
10.	18	18	Delete "twenty (120)" and insert "ten (110)"
11.	19	11-13	Delete from "the floor" through and including "conditions."
12.	20	12-14	Delete from "the floor" through and including "conditions."

DRAFT
page two
Bill # G-85-10-44

<u>AMENDMENT</u>	<u>PAGE</u>	<u>LINE</u>	<u>CHANGE(S)</u>
13.	20	10	before "free." Insert "be reasonably"
14.	21	29	Delete "Mechanical" and insert "Artificial."
15.	23	11-14	Delete lines 11-14 and insert: "The owner of a dwelling unit shall be responsible for providing and hanging all screens whenever the same are required under the provisions of this Ordinance except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance or replacement of screens once installed in any one (1) season becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling."
16.	24	5	Delete "Mechanical" and insert "Electrical."
17.	24	18-23	Delete lines 18-23, from "(b) In sleeping" up through and including "outlets." insert the following: "1) (a) A ceiling fixture may be substituted for one of the required duplex outlets in each habitable room, except the kitchen, living room, and family room. (b) Each bathroom shall have one (1) convenience duplex outlet. 2) In each kitchen at least one separate duplex convenience electrical outlet connected to a twenty (200 amp circuit shall be located as to supply power for the refrigerator area and for other electrical appliances.
18.	24	24	Change "(d)" to "(c)" insert after (b)
19.	25	4-9	Delete lines 4-9
20.	25	25	Insert " The Enforcement Authority may approve the use of unvented space heaters operated and maintained according to Underwriters Laboratory standards or other approved standards of operation specified for such units."
21.	25	26	Delete "and Hot Water."
22.	30	23	Delete "cause" and insert "evict the"
23.	30	24-26	Delete the sentence beginning with the word "Proper" and ending with "agent."

DRAFT
page three
Bill # G-85-10-44

<u>AMENDMENT</u>	<u>PAGE</u>	<u>LINE</u>	<u>CHANGE(S)</u>
24.	30	24	After "dwelling unit," insert "Provided, however, an owner, operator or agent may shut off utilities or services at the time the owner, operator or agent has a legal right to possession of the premises. Said legal right to possession of the premises would occur at the expiration of a written notice to quit, at the time provided by contract, or at any other time the owner, operator or agent is entitled to possession of the property."
25.	33	22	Delete "equipped with tight fitting covers"
26.	35	30	After "shared or" insert "public parts thereof."
27.	36	1-12	Delete from "units shall" through and including "breeding places."
28.	36	30	After the sentence ending with "premise" add the following: "The presumption is that the owner is responsible unless the owner presents to the Enforcement Authority a written agreement stating otherwise."
29.	41	13-14	Delete "Pursuant to Sec 14.1-5 or Sec 14.1-8"
30.	41	25	After "dilapidation" delete "obsolescence,"
31.	43	14	After "notice" insert "listing the violations that caused this Order to be issued and the action that this Order requires."
32.	43	14-16	Delete from "requiring" through and including "thereof."
33.	43	29	After "nails" insert "or equal"
34.	44	3	Delete "all"
35.	44	30	Delete "in order to protect the life, health and safety of person or property"

BILL NO.

9-85-10-44

ORDINANCE NO. ~~G-85-10-44~~

As amended as amended as amended

AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana; by adopting I.C. 36-7-9-1 et seq. dealing with the enforcement of unsafe building standards; by adopting safe housing standards; by creating a Safe Housing and Building Advisory Commission; by repealing a previous ordinance and adopting certain additional provisions.

WHEREAS, it is necessary for the City of Fort Wayne, Indiana, to have an updated Unsafe Building Standard; and

WHEREAS, it is in the best interests of this City and its citizens to adopt new Safe Housing Standards to protect public health, safety and general welfare; and

WHEREAS, said new Standards will specifically insure that no residential or commercial buildings within the City of Fort Wayne will endanger the life, health, property and safety of the public or its occupants; and

WHEREAS, said new Standards are specifically intended to insure that all buildings, dwellings, dwelling units, and accessory structures are safe, sanitary and fit for human occupancy; and to provide for the correction, repair or removal of all substandard structures.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Repeal.

General Ordinance G-14-74, relating to unsafe buildings and premises, is hereby repealed. Chapter 14, Article IV, Sections 14-23 through 14-60 of the Municipal Code of the City of Fort Wayne, Indiana is repealed.

SECTION 2. Amendment.

The Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by adding a new Chapter 14.1, entitled

1 "Enforcement of Safe Housing and Building Standards", which
2 new chapter consists of the following sections.

3 Article I. In General
4

5 SEC 14.1-1. Definitions. For the purposes of
6 this ordinance the following definition(s) shall apply.

7 a. Terms Identified.

- 8 1. Accessory Structure. A detached building structure
9 in a secondary or subordinate capacity from the
10 main or principal structure on the same premises.
11 2. Approved. Shall mean approved by the Enforcement
12 Authority under the provisions of this ordinance,
13 or approved by other appropriate authority designated
14 by law to give approval in the matter in question.
15 3. Basement. The lowest story of a building or
16 the one just below the main floor.
17 4. Cellar. That portion of a building located partly
18 or completely below grade, having at least one-half
19 of its height below grade, and used for storage.
20 5. Central Heating. The heating system permanently
21 installed and adjusted so as to provide the distribu-
22 tion of heat to all habitable rooms, bathrooms,
23 and water closet compartments from a source outside
24 of these rooms.
25 6. Chimney. A vertical shaft of reinforced concrete,
26 masonry, or other approved material enclosing
27 one (1) or more flues, for the purpose of removing
28 products of combustion from solid, liquid, or
29 gaseous fuel.
30 7. Dilapidated. No longer adequate for the purpose
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or use for which it was originally intended.

8. Dwelling. A structure, partly or wholly, intended for or being used for residential purposes.
 - A. Single Family Dwelling A building containing one dwelling unit.
 - B. Multi-family Dwelling. A building or portion thereof containing two or more dwelling units.
9. Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
10. Egress. An arrangement of exit facilities to assure a safe means of exit from a building to ground level.
11. Enforcement Authority. Department of Safe Housing and Building Standards of the City of Fort Wayne.
12. Enforcement Officer. The official designated herein or otherwise charged with the responsibilities of administering this ordinance.
13. Extermination. The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible, materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.
14. Family. One individual living alone, or two or more individuals living together whether related by birth or not and having common housekeeping

facilities. (See also Household).

15. Floor Area. The area included within the surrounding walls of a structure exclusive of vents, shafts, and courts.
16. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food.
17. Guest. An individual who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.
18. Habitable Space. Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.
19. Household. One or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities. (See also Family).
20. Infestation. The presence, within or contiguous to a structure or premises, of insects, rats, vermin, or other pests.
21. Lead Based Paint. Any paint containing more lead than the level established by the U.S. Consumer Product Safety Commission as being the "safe" level of lead in residential paint and paint products. The current level is 0.5 percent.
22. Let for Occupancy or Let. To permit possession or occupancy of a dwelling, or dwelling unit, by a person who shall be the legal owner of record or not be the legal owner of record thereof,

1 pursuant to a written or unwritten lease, agreement
2 or licensee, or pursuant to a recorded or unre-
3 corded agreement of contract for the sale of
4 land.

5 23. Occupant. Any individual, over one (1) year
6 of age, living, sleeping, cooking, or eating
7 in or having possession of a dwelling unit; except
8 that in dwelling units a guest shall not be considered
9 an occupant.

10 24. Operator. Any person who has charge, care or
11 control of a structure or premises, which are
12 let or offered for occupancy.

13 25. Owner. See "Substantial Property Interest"

14 26. Permissible Occupancy. Shall mean the maximum
15 number of individuals permitted to reside in
16 a dwelling or dwelling unit.

17 27. Person. Any individual, firm, corporation, associa-
18 tion, partnership, cooperative or governmental
19 agency.

20 28. Plumbing. The practice, materials, and fixtures
21 used in the installation, maintenance, extension
22 and alteration of all piping, fixtures, appliances,
23 and appurtenances used for, or intended to be
24 used for the transfer of water or liquid waste.

25 29. Plumbing Fixture. A receptacle or device which
26 is either permanently or temporarily connected
27 to the water distribution system of the premises
28 and demands a supply of water therefrom; or discharges
29 used water, liquid-borne waste materials, or
30 sewage either directly or indirectly to the drainage
31 system of the premises; or which requires both
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a water supply connection and a discharge to the drainage system of the premises.

30. Premises. A lot, plot, or parcel of land including the building or structures thereon.

31. Properly Connected. Connected in accordance with all applicable codes and ordinances of the City of Fort Wayne as from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any existing connection in good working order and not constituting a hazard to health, safety, or deterioration of property.

32. Public Nuisance. Includes the following:

a. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or the required precautions against trespassers have not been provided; or

b. Any premises from which the plumbing, heating, electrical and/or facilities required by this ordinance have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective; or

c. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; (Sec 14.1-14) open, vacant or abandoned; damaged by fire

to the extent as not to provide shelter;
in danger of collapse or failure and is
dangerous to anyone on or near the premises;
or

d. Any structure where the paint has been severely
removed by time or where the paint is checked
or bleeding.

33. Rat Harborage. Shall mean any conditions or place
where rats can live, nest, or seek shelter.

34. Ratproofing. Shall mean a form of construction
which will prevent the ingress or egress of rats
to or from a given space or building, or from
gaining access to food, water, or harborage.
It consists of the closing and keeping closed
every opening in foundations, basements, cellars,
exterior and interior walls, ground or first
floors, roofs, sidewalk gratings, sidewalk openings,
and other places that may be reached and entered
by rats climbing, burrowing or other methods,
by the use of materials impervious to rats and
other methods approved by the Board of Health.

35. Refuse. Shall mean all putrescible and nonputrescible
solids (except body wastes) including garbage,
rubbish, ashes and dead animals.

36. Refuse Container. Shall mean a watertight container
that is constructed of metal or other durable
material such as vinyl or plastic that is capable
of being serviced without creating insanitary
conditions.

37. Required. Required by some provision of this
ordinance.

38. Rooming House. Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator for occupancy by three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.
39. Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used as a residence, but not for cooking or eating purposes.
40. Rubbish. Combustible waste materials, except garbage, including the residue from the burning of wood, coal, coke, and other combustible materials; paper; rags; cartons; boxes; wood; excelsior; rubber; leather; tree branches; yard trimmings; tin cans; metals; mineral matter; glass; crockery; and other similar materials.
41. Safe and Safety. Shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.
42. Space Heater. A self-contained, heating appliance of either the conventional type or the radiant type and intended primarily to heat only a limited space or area such as one room or two adjoining rooms.
43. Stairway. One or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one floor or level to another in a building or structure.

1 44. Structure. That which is built or constructed,
2 including without limitation because of enumeration,
3 buildings for any occupancy or use whatsoever,
4 fences, signs, billboards, fire escapes, chute
5 escapes, railings, water tanks, towers, open
6 grade steps, sidewalks or stairways, tents or
7 anything erected and framed of component parts
8 which is fastened, anchored or rests on a permanent
9 foundation or on the ground.

10 45. Supplied. Paid for, furnished by, provided by,
11 or under the control of the owner, operator,
12 or agent.

13 46. Substantial Property Interest. Shall mean the
14 interest reflected by a deed, lease, license,
15 mortgage, land sale contract, or lien or evidence
16 of such that is:

- 17 a. recorded in the office of the county recorder;
18 or
19 b. the subject of written information that
20 is received by the Enforcement Authority
21 and includes the name and address of the
22 holder of the interest described.

23 47. Temporary Housing. Any tent, trailer, mobile
24 home or any other structure used for human shelter
25 which is designed to be transportable and which
26 is not attached to the ground, to another structure,
27 or to any utility system on the same premises
28 for more than thirty (30) consecutive days.

29 48. Toxic Substance. Any chemical product applied
30 on the surface of or incorporated into any structural
31 or decorative material which constitutes a potential
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hazard to human health at acute or chronic exposure levels.

49. Ventilation. The process of supplying and removing air by natural or mechanical means to or from any space.

a. Mechanical Ventilation. By power driven devices.

b. Natural Ventilation By opening to outer air through windows, skylights, doors, louvers, or stacks without winddriven devices.

50. Water Closet. A toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap.

51. Workmanlike. Whenever the words "workmanlike state of maintenance and repair" are used in this ordinance they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

b. Meaning of Certain Words - Whenever the words "dwelling," "dwelling unit," "rooming unit," "premises," "structures," are used in the ordinance they shall be construed as though they were followed by the words "or any part thereof." Words used in the singular include the plural, and the plural singular.

c. Undefined Words - Words not specifically defined in this ordinance shall have the common definition set forth in a standard dictionary.

SEC 14.1-2. Administration of Ordinance.

The Department of Safe Housing and Buildings Standards, hereinafter called the "Department", is authorized

1 to administer this ordinance. The Department is hereby
2 declared to be a part of, and under the supervision
3 of the Division of Community Development and Planning.
4 All persons designated by the Administrator of the
5 Department to enforce this ordinance must have a Special
6 Police Commission granted by the Board of Public Works
7 and Safety authorizing them to enforce this ordinance.

8 SEC 14.1-3. Delegation of Enforcement Power.
9 The Enforcement Authority may delegate to other city
10 officials authority to enforce all or part of the
11 provisions of this ordinance. The City-County Board
12 of Health and the Fort Wayne Fire Department have
13 full authority to enforce this Ordinance.

14 SEC 14.1-4. Restrictions on Employees.
15 No employee connected with the Enforcement Authority
16 shall be financially interested in the furnishing
17 of labor, material or appliances for the repair, alteration
18 or maintenance of a building, dwelling, or dwelling
19 unit on which a notice or Order by the Department has
20 been issued, or in the making of plans or specifications
21 therefrom, unless he or she is the owner of such building.

22 Article II. Unsafe Building Standards

23 SEC 14.1-5. Adoption
24 I.C. 36-7-9-1 through I.C. 36-7-9-28, entitled "Enforcement
25 of Building Standards," are hereby adopted in their
26 entirety, incorporated by reference and made a part
27 hereof as if copied verbatim. These provisions are

1 further supplemented by the provisions of this ordinance.
2 All proceedings within the City of Fort Wayne for
3 the inspection, repair and removal of unsafe buildings
4 shall be governed by I.C. 36-7-9-1 through I.C. 36-7-9-
5 -28 and by the provisions of this ordinance and any
6 other applicable City ordinance.

7 SEC 14.1-6. Unsafe Buildings and Unsafe Premises.

8 The description of an unsafe building contained in
9 I.C. 36-7-9-4 is hereby supplemented to provide minimum
10 standards for building conditions or maintenance in
11 the City of Fort Wayne, Indiana, by adding the following.
12 Any building or structure which has any or all of
13 the conditions or defects hereinafter described shall
14 be deemed to be an unsafe building, provided that
15 such conditions or defects exist to the extent that
16 life, health, property, or safety of the public or
17 its occupants are endangered.

- 18 1. Whenever any door, aisle, passageway, or
19 other means of exit is not of sufficient
20 width or size or it not so arranged as to
21 provide safe and adequate means of exit
22 in case of fire or panic; or
- 23 2. Whenever the stress in any materials, member,
24 or portion thereof, due to all dead and
25 live loads, is more than one and one-half
26 times the working stress or stresses approved
27 for new buildings of similar structure,
28 purpose, or location; or
- 29 3. Whenever any portion thereof has been damaged
30 by fire, earthquake, wind, flood, or by
31 any other cause, to such an extent that

1 the structural strength or stability thereof
2 is materially less than it was before such
3 catastrophe and is less than the approved
4 minimum requirements for new buildings of
5 similar structure, purpose, or location;
6 or

7 4. Whenever any portion, member, or appurtenance
8 thereof is likely to fail, to become detached
9 or dislodged, or to collapse and thereby
10 injure persons or damage property; or

11 5. Whenever any portion of a building, or any
12 member, appurtenance, or ornamentation on
13 the exterior thereof is not of sufficient
14 strength or stability or is not so anchored,
15 attached, or fastened in place so as to
16 be capable of resisting a wind pressure
17 of one-half of that specified for new buildings
18 of similar structure, purpose, or location
19 without exceeding the working stresses approved
20 for such buildings; or

21 6. Whenever any portion thereof has wracked,
22 warped, buckled, or settled to such an extent
23 that walls or other structural portions
24 have materially less resistance to winds
25 or earthquakes than is approved in the case
26 of similar new construction; or

27 7. Whenever the building or structure, or any
28 portion thereof, because of (a) dilapidation,
29 deterioration, or decay; (b) faulty construction;
30 (c) the removal, movement, or instability
31 of any portion of the ground necessary for
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the purpose of supporting such building;
(d) the deterioration, decay, or inadequacy
of its foundation; or (e) any other cause,
is likely to partially or completely collapse;
or

8. Whenever the building or structure, or any
portion thereof, is manifestly unsafe for
the purpose for which it is being used;
or

9. Whenever the exterior walls or other vertical
structural members list, lean, or buckle
to such an extent that a plumb line passing
through the center of gravity does not fall
inside the middle one-third of the footer;
This item shall not be the sole criteria
for evaluating non-inhabited accessory struc-
tures. or

10. Whenever the building or structure, exclusive
of the foundation, shows thirty-three percent
or more damage or deterioration of its supporting
member or members, or fifty percent damage
or deterioration of its nonsupporting members,
enclosing or outside walls or coverings;
or

11. Whenever the building or structure has been
so damaged by fire, wind, earthquake, or
flood or has become so dilapidated or deterio-
rated so as to become (a) an attractive
nuisance to children, or (b) freely accessible
to persons for the purpose of committing
unlawful acts; or

12. Whenever any building or structure that has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the Building Department of Allen County, or of any law or ordinance of this state or City relating to the condition, location, or structure of buildings; or

13. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than sixty-six percent of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics approved by law in the case of a newly constructed building of like area, height, and occupancy in the same location; or

14. Whenever a building or structure, used or intended to be used for residential or non-residential purposes because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise is determined by the Enforcement Authority to be unfit for human occupancy, to be insanitary, or in such a condition that is likely to cause sickness or disease; or

15. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connection, or heating apparatus, or other cause, is determined by the Enforcement Authority to be a fire hazard; or

16. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

SEC 14.1-7. Substantial Property Interest.

The definition of substantial property interest contained in I.C. 36-7-9-2 is hereby adopted and incorporated by reference, including the portion of the definition which applies to a consolidated city.

SEC 14.1-8. Unsafe Building Fund.

An Unsafe Building Fund is hereby established in the operating budget of the City of Fort Wayne in accordance with the provisions of I.C. 36-7-9-14. Money in the Unsafe Building Fund shall be held and distributed in accordance with State Law and pursuant to the instruction of the City Controller.

Article III. Safe Housing Standards.

Division 1. Generally

SEC 14.1-9. Title and General Purpose.

This article shall be cited as the "Safe Housing Standards."
This article articulates the commitment of the City to protect, preserve, and promote the physical and mental health and social well being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health and safety and to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health; by establishing legislation which provides for the administration and enforcement of, and cites minimum standards for the following:

1. basic equipment and facilities with respect to light, ventilation, and thermal conditions;
2. safety from fire and accidents;
3. the use and location and amount of space for human occupancy; and
4. the determination of the responsibilities of owners, operators, and occupants of dwellings.

SEC 14.1-10. Scope.

The provisions of this article shall apply to all residential structures and residential portions of mixed occupancy buildings existing at the date of the adoption of this ordinance and thereafter erected, and shall apply to all conversions and future conversions of existing buildings from non-residential to residential or partially residential.

Division 2. Minimum Standard for Housing

SEC 14.1-11. Minimum Standards for Basic Facilities.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements.

(a) Water Supply Facilities.

The water supply system of every building used in whole or in part for dwelling purposes shall be furnished from an approved source. The water supply system shall be installed and maintained to provide at all times, while the dwelling or dwelling unit is occupied, a supply of water to plumbing fixtures in sufficient volume and at pressures adequate to enable them to function satisfactorily.

(b) Plumbing - Installation and Maintenance.

All plumbing facilities, water closets, water and waste pipes and other plumbing fixtures in every dwelling or dwelling unit shall be properly installed and maintained in good, sanitary working condition and repair; free from defects, leaks, and obstructions and in accordance with the requirements of this Standard and the Indiana Plumbing Rules, 1981 edition.

(c) Water Heating Facilities.

Every dwelling unit shall contain water heating facilities which are properly installed, operated, and maintained in safe and good working condition and are properly connected to the bathtub or shower, sink, and lavatory basin. Such water heating facilities shall be capable

1 of automatically heating water to such a temperature
2 as to permit water to be drawn at every required bathtub
3 or shower, sink, and lavatory basin at a temperature
4 of not less than one hundred ten (110) degrees Fahrenheit.
5 All gas fired water heaters shall be vented to the
6 outside.

7 (d) Sewerage System.

8 Each dwelling and each dwelling unit shall have each
9 drainage outlet connected to the public sanitary sewerage
10 system, or a private sewerage system approved by the
11 City-County Board of Health. Every plumbing stack,
12 waste and sewerage line shall:

13 (1) be properly installed;

14 (2) be maintained as to function properly; and

15 (3) be kept free from obstructions, leaks, and
16 defects to prevent health hazards.

17 (e) Water Closet and Lavatory Facilities.

18 Every dwelling unit shall contain, within a room which
19 affords privacy, a water closet and a lavatory basin
20 in good working condition which shall be properly
21 connected to the public sanitary sewer or to an approved
22 sewerage disposal system. Such water closet and lavatory
23 basin shall be within and accessible from within the
24 dwelling unit. The lavatory basin shall be properly
25 connected to both hot and cold water lines, and the
26 water closet shall be properly connected to a cold
27 water line.

28 (f) Bathing Facilities.

29 Every dwelling unit shall contain within a room which
30 affords privacy, a bathtub or shower in good working
31 condition which shall be properly connected to both
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1 hot and cold water lines and to the public sanitary
2 sewer, or private sanitary sewer system approved by
3 the City-County Board of Health. Such bathing facilities
4 shall be within and accessible from within the dwelling
5 unit.

6 (g) Kitchen and Kitchen Facilities.

7 (1) Every dwelling unit shall contain a room
8 or space for the preparation and cooking of food
9 which shall include space and connections for
10 a stove or other cooking facilities, and a space
11 for refrigerated food storage.

12 (2) Every dwelling unit shall contain a sink
13 in good working condition which shall be properly
14 connected to both hot and cold water lines and
15 to the public sanitary sewer. A lavatory basin
16 shall not meet this requirement of a kitchen
17 sink.

18 (3) The use of gasoline stoves or other similar
19 fuel burning appliances using high flammable
20 liquids and the use of portable kerosene stoves
21 or other similar fuel burning portable appliances
22 for cooking is prohibited.

23 (4) Hoods and ducts over kitchen ranges shall
24 be reasonably free of grease or other flammable
25 residue that collect therein.

26 (h) Egress.

27 Every dwelling, dwelling unit and rooming house shall
28 have safe, unobstructed means of egress leading to
29 safe and open space at ground level.

30 (i) Exits.

31 Every door available as an exit from an occupied dwelling
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1 shall be capable of being opened from the inside and
2 without the use of a key, unless there is an alternate
3 means of egress leading to a safe and open space at
4 ground level in case of fire.

5 (j) Fire Protection.

6 Every building used in whole or in part for dwelling
7 purposes shall be provided with the fireproofing and
8 fire protection systems as required by the City of
9 Fort Wayne Fire Protection Code, Chapter 12.

10 (k) Garbage and Rubbish.

11 Every dwelling unit shall have garbage and rubbish
12 storage containers sufficient to meet the needs of
13 the occupants. Each container shall be watertight
14 constructed of metal or other durable material impervious
15 to rodents, and maintained in a sanitary condition.

16 SEC 14.1-12. Minimum Standards for Light, Ventilation,
17 Heating, and Electrical Service.

18 No person shall occupy, or let to another for occupancy
19 any dwelling or dwelling unit for the purpose of living
20 therein, which does not comply with the following require-
21 ments:

22 (a) Light.

23 Every habitable room shall have at least one window
24 or skylight facing directly to the outdoors. The
25 minimum total window area, measured between stops,
26 for every habitable room shall be ten per cent of
27 the floor area of such room. Whenever walls or other
28 portions of structures face a window of any such room
29 and such light obstructing structures are located
30 less than three feet from the window and extend to
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1 a level above that of the ceiling of the room, such
2 a window shall not be deemed to face directly to the
3 outdoors and shall not be included as contributing
4 to the required minimum total window area. Whenever
5 the only window in a room is a skylight-type window
6 in the top of such room, the total window area of
7 such skylight shall equal at least fifteen per cent
8 of the total floor area of such room.

9 (1) Artificial Light.

10 The Enforcement Authority may approve such other
11 devices or arrangements as will adequately light
12 a habitable room, where provision for a window
13 or windows is not possible.

14 (2) Lighting of Halls and Stairs.

15 Every public hall and stairway in every multiple
16 dwelling containing four or more dwelling units
17 shall be lighted at all times with natural or
18 artificial light equal to the illumination of
19 one 60 watt bulb. Every public hall and stairway
20 in structures devoted solely to a dwelling occupancy
21 and containing not more than three dwelling units
22 shall be supplied with conveniently located light
23 switches, controlling a lighting system which
24 may be turned on when needed, instead of full
25 time lighting.

26 (b) Ventilation.

27 Every habitable room shall have at least one window
28 or skylight which can easily be opened or such other
29 device as will ventilate the room. The total of openable
30 window area in every habitable room shall be equal
31 to at least forty-five per cent of the minimum window
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area size or minimum skylight type window size, as required in subsection (a) of this section, except where there is supplied some other device affording ventilation and approved by the Enforcement Authority.

(1) Bathroom, Kitchen, Water Closet Ventilation.

Every bathroom, kitchen, and water closet compartment shall comply with the light and ventilation requirement for habitable rooms contained in subsections (a) and (b) of this section, except that no window or skylight shall be required in ventilated bathrooms, kitchens, and water closet compartments equipped with a mechanical ventilation system which is in good operating condition.

(2) Mechanical Ventilation.

The Enforcement Authority may approve such other devices or arrangements as will adequately ventilate a habitable room, where provision for a window or windows is not possible.

(c) Locking Window Hardware.

Every window accessible within twelve (12) feet of the adjacent ground shall be supplied with an adequate locking device.

(d) Screens.

The owner of a dwelling unit shall be responsible for providing and hanging all screens whenever the same are required under the provisions of this ordinance except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance or replacement of screens once installed in any one (1) season becomes the responsibility of the occupant. The occupant's responsibility shall

be exclusive to his or her dwelling.

(1) Screens shall be required during May 1st through October 1st to provide protection against mosquitos, flies, bats, and other insects.

(2) Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens.

(3) Screens shall not be required during such period in rooms located four (4) stories or higher.

(4) Every basement or cellar window and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

(e) Electrical Service.

Every dwelling unit and all public and common areas shall be supplied with adequate electric service, outlets and fixtures which shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a manner prescribed by the Indiana Electrical Rules, 1981 edition.

(1) Electrical Outlets.

(a) Every habitable room shall contain at least two (2) separate duplex convenience outlets. Outlets shall be so located as to reasonably provide service to appliances in different parts of the room. Duplex convenience outlets as herein provided, which may be lacking in owner occupied single

family dwellings otherwise meeting the provisions of this Standard shall be installed no later than one year from the passage of this ordinance.

1) (a) A ceiling fixture may be substituted for one of the required duplex outlets in each habitable room, except the kitchen, living room, and family room.

(b) Each bathroom shall have one (1) convenience duplex outlet.

2) In each kitchen at least one separate duplex convenience electrical outlet connected to a twenty (20 amp circuit) shall be located as to supply power for the refrigerator area and for other electrical appliances.

(b) Every outlet and receptacle must be covered in an approved manner to prevent contact of its wiring or terminals with the body or splashing water.

(2) Electrical Fixtures.

At least one (1) supplied ceiling or wall-type electric light fixture shall be provided in every toilet room, bathroom, laundry room, furnace room, public hall, basement, or any other area in which artificial light is required for the safety and welfare of the occupants.

(f) Heating Facilities.

Every dwelling shall have central heating facilities which are properly installed, which are maintained in a safe and good working condition and which are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit to a temperature of at least sixty eight (68) degrees Fahrenheit at a distance three feet above floor level, at an outdoor temperature of zero (0) degrees Fahrenheit. No habitable room, dwelling or dwelling unit shall contain any flame producing device or appliance for the purpose of providing the required heat in such space or spaces unless such device or appliance shall be provided with a permanent, proper and safe means for the supplying of combustion air and for the venting to the outdoors of all products of combustion. The Enforcement Authority may approve the use of unvented space heaters operated and maintained according to Underwriters Laboratory standards or other approved standards of operation specified for such units.

(g) Space Heating Units. No space heater unit shall be used as the primary source for the required heat to a habitable room.

SEC 14.1-13. Minimum Standards Relating to Safety and Sanitary Maintenance.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

(A) Sanitary Maintenance.

A clean and sanitary condition shall include but is not limited to the following standards:

(1) floors, floor coverings and other walking surfaces shall be free of filth, garbage, human and animal wastes, litter, refuse and any other insanitary matter; (2) walls, ceilings, windows and doorways shall be free of dirt, greasy film, soot and any other insanitary matter;

(3) water closets, lavatories, and sinks shall be kept in a clean and sanitary condition; and no material shall be deposited in any such fixture which may result in the obstruction of such fixture or of any connected plumbing lines.

(B) Standards for Good Repair and Safe Condition.

Every building and all parts thereof intended for use as a residential dwelling and premise shall, while in use or at any time when the lack of maintenance affects neighboring property, be kept in good repair and in safe condition. Good repair and safe condition shall include but is not limited to the following minimum standards:

(1) Exterior Standards.

(a) Roofing shall be provided and maintained to prevent the entrance of moisture. All roofing, sheathening and structural components shall be maintained to render each structurally sound.

(b) Existing gutters, leaders, and downspouts shall:

1 (1) be maintained in operable conditions
2 on all dwellings

3 (2) be disconnected from the sanitary
4 sewer systems when inspected and advised
5 by the City of Fort Wayne Water Pollution
6 Control Engineering Department.

7 (c) Every foundation, wall, floor, ceiling,
8 window, door, and hatchway shall be structurally
9 sound and be maintained so as to be weather
10 tight, water tight, and rodent proof.

11 (d) Every exterior and interior stair, every
12 porch and appurtenance shall be so constructed
13 as to be safe to use and capable of supporting
14 the load that normal use may cause to be
15 placed thereon.

16 (1) All exterior and interior steps
17 and stairways shall be maintained so
18 as not to have any broken, warped or
19 loose treads and risers.

20 (2) Every exterior and interior flight
21 of stairs adjacent to a wall and more
22 than four (4) risers high shall have
23 handrails having minimum and maximum
24 heights of thirty (30) inches and thirty-
25 four (34) inches respectively, measured
26 vertically from the nosing of the treads
27 on at least one side of the stairway.

28 (3) Every balcony, raised floor surface,
29 or porch located more than thirty (30)
30 inches above the floor or grade below
31 shall have guardrails not less than
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thirty-six (36) inches in height.

(4) Handrails and guardrails shall have intermediate rails or ornamental closures which will not allow passage of an object six (6) inches or more in diameter.

(e) All chimneys, flues, smoke pipes or similar devices shall be:

(1) structurally sound

(2) maintained in good repair.

(f) Any piece, part or attachment of the structure which is so unsecurely fixed as to be in danger of falling or being dislodged by the elements so that it may possibly injure any person or property shall be secured, removed, or replaced.

(g) Exterior property areas of all premises shall be kept free of any object, material or condition, including abandoned or immobile motor vehicles, which may create a health, accident or fire hazard, or which is a public nuisance.

(h) All sheds, barns, garages, fences and other accessory structures on premises shall be maintained in good repair, free from health, accident, or fire hazards, or they shall be removed from the premises.

(i) Yard spaces and other open areas appurtenant to a dwelling shall be graded, paved or otherwise constructed to drain water around or away from the premises.

1 (j) All accessory buildings, garages, barns,
2 and sheds shall be capable of being secured
3 to prohibit entrance from unauthorized persons.

4 (k) Windows shall have panes without major
5 cracks or holes.

6 (2) Interior Standards.

7 (a) Ceilings, walls and floors shall be
8 maintained free of holes, large cracks,
9 or loose and deteriorated materials so
10 that parts which become defective do not
11 constitute a hazard to the occupants nor
12 a harborage for insects or vermin. Split,
13 splintered or badly worn floor boards shall
14 be replaced.

15 (b) Doors to habitable rooms, bathrooms
16 and toilet rooms must fit the opening in
17 which they are hung and be properly equipped
18 with hardware.

19 (c) Cellars, basements, and crawl spaces
20 shall be maintained reasonably free of dampness
21 to prevent conditions conducive to decay
22 or deterioration of the structure.

23 (d) Painting.

24 (1) All exterior wood and ferrous metal
25 surface shall be protected against
26 decay by the use of paint or by other
27 preservative material.

28 (2) All interior loose or peeling paint
29 shall be removed and the exposed surface
30 shall be placed in a smooth and sanitary
31 condition.
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1 (3) No paint shall be used for interior
2 painting or any dwelling, dwelling
3 unit, rooming house or rooming unit
4 that is lead based.

5 (C) Discontinuance of Utilities or Service.

6 (1) No owner, operator, or occupant shall cause
7 any service, facility, or utility which is required
8 to be supplied under this Standard to be removed
9 from or shut off from or discontinued from any
10 occupied dwelling let or occupied by him/her
11 except for such temporary interruption as may
12 be necessary while actual repairs or alterations
13 are in process, or during temporary emergencies
14 when discontinuance of service is approved by
15 the Enforcement Authority.

16 (2) Utilities or Services required under this
17 ordinance shall not be caused to be shut off
18 to an occupied dwelling or dwelling unit by an
19 owner, operator, or agent in order to evict the
20 occupant from a dwelling or dwelling unit. Provided
21 however, an owner, operator or agent may shut
22 off utilities or services at the time the owner,
23 operator or agent has a legal right to possession
24 of the premises. Said legal right to possession
25 of the premises would occur at the expiration
26 of a written notice to quit, at the time provided
27 by contract, or at any other time the owner,
28 operator or agent is entitled to possession of
29 the property.

30 (D) Quality of Materials and Workmanship.

31 Material used in making any repairs shall be of quality
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1 suitable for the purpose. Such repair shall be accomp-
2 lished in a workmanlike manner and according to the
3 accepted standards and practices of the appropriate
4 trade.

5 SEC 14.1-14. Minimum Standards for Space and Occupancy.

6 No person shall occupy or let to another for occupancy
7 any dwelling or dwelling unit for the purpose of living
8 therein, which does not comply with the following requirements.

9 (a) General Requirements.

10 (1) For every dwelling unit there shall be at
11 least one hundred fifty (150) square feet of
12 floor area for the first occupant and at least
13 one hundred (100) additional square feet of floor
14 area for each additional occupant over one year
15 of age. The floor area shall be calculated on
16 the basis of the total floor area of the dwelling
17 unit exclusive of stairways. For the purpose
18 of such calculation only the floor area in a
19 basement meeting the requirements for basement
20 occupancy shall be counted.

21 (2) No room used for sleeping purposes shall
22 have a floor area of less than seventy (70) square
23 feet. No room shall be used for sleeping purposes
24 by two or more persons unless there is at least
25 fifty (50) square feet of floor area for each
26 person twelve (12) years of age and over and
27 at least thirty-five (35) square feet of floor
28 area for each child over one year of age and
29 less than twelve years of age.

30 (3) No dwelling or dwelling unit containing two
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1 or more sleeping rooms shall have room arrange-
2 ments such that access to a bathroom or water
3 closet compartment intended for use by occupants
4 of more than one sleeping room can be had only
5 by going through another sleeping room; nor shall
6 room arrangements be such that access to a sleeping
7 room can be had only by going through another
8 sleeping room or a bathroom or water closet compart-
9 ment.

10 (4) At least one half of the floor area of every
11 habitable room shall have a ceiling height of
12 at least seven (7) feet; and the floor area of
13 that part of any room where the ceiling height
14 is less than five (5) feet shall not be considered
15 as part of the floor area in computing the total
16 floor area of the room for the purpose of determining
17 the maximum permissible occupancy thereof.

18 (b) Basement Occupancy.

19 No basement space shall be used as a habitable room
20 or dwelling unit unless:

21 (1) the floor and walls are impervious to leakage
22 of underground and surface run-off water and
23 the area is insulated against dampness;

24 (2) the total of window area in each room is
25 equal to at least the minimum window area sizes
26 as required in Section 2 of this Division.

27 (c) Prohibited Uses.

28 Kitchens and non-habitable or public spaces shall
29 not be used for sleeping purposes. No cellar space
30 shall be used as a habitable space unless it conforms
31 to the minimum requirements of this ordinance.

SEC 14.1-15. Responsibilities of Occupants.

(a) Prohibited Occupancy.

An occupant or tenant shall not sublet any dwelling or dwelling unit which does not comply with the provisions of this Standard. In particular, but not by way of limitation, an occupant shall not permit any portion of a dwelling or dwelling unit to be occupied in violation of the standards and requirements for light, ventilation and occupancy as provided in this Standard.

(b) Sanitary Maintenance.

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling or dwelling unit and the premises thereof which he/she occupies or controls.

(c) Pest Extermination.

Every occupant of a single family dwelling shall be responsible for the extermination of any insects, rats or other pests therein or on the premises.

(d) Garbage, Rubbish and Ashes.

Every occupant of a structure or part thereof shall dispose of all garbage and rubbish in a clean and sanitary manner by placing it in storage containers as required by this Standard.

(e) Egress.

The occupant of any dwelling or dwelling unit shall not obstruct in any manner any means of egress from any portion of the premises.

(f) Flammable Liquids or Gases or Combustible Materials. The occupant of any dwelling or dwelling unit shall not have or store flammable or combustible liquids or gas in an amount considered dangerous by the Fort

Wayne Fire Department within the dwelling or dwelling unit.

(g) Access for Repairs.

Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his/her agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such inspection and such repairs or alterations as are necessary to effect compliance with the provisions of this Standard or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Standard.

(h) Heat.

(1) Where the heating facilities of any dwelling are under the control of the occupant thereof, it shall be the responsibility of the occupant to operate the heating facilities in order to maintain above-freezing temperature at all times in all portions of the dwelling and the premises he/she occupies and controls so as to prevent damage to water pipes and plumbing.

(2) If an occupant has control of the heat in any other dwelling unit in addition to their own dwelling unit, then said occupant shall comply with the provisions as set forth in Section 12 (f) of this article.

SEC 14.1-16. Responsibilities of Owners.

(a) Prohibited Occupancy.

No owner shall rent, lease or permit the subletting to another for occupancy any vacant or vacated dwelling

or dwelling unit which does not comply with the provisions of this Standard, unless permission for such occupancy has been granted by the Enforcement Authority. Such permission shall not be unreasonably withheld by the Enforcement Authority.

(b) Sanitary Maintenance.

Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and the premises thereof.

(c) Garbage, Rubbish and Ashes.

For every dwelling containing three (3) or more dwelling units, the owner shall provide in a location accessible to all dwelling units, an adequate number of receptacles into which garbage, rubbish and ashes from the dwelling unit receptacles may be emptied for storage between the days of collection.

(d) Heat.

If the heating facilities of any dwelling or dwelling unit are not under the control of the occupant thereof, and except as otherwise provided below in this article, it is the responsibility of the owner, operator, or agent in charge to operate the heating facilities, during the period between October 1 to May 1, and to maintain an inside temperature as required in Section 12(f) of this article.

(e) Ratproofing and Pest Extermination.

Every owner shall be responsible for the eradication of any insects, rats or other pests in dwellings containing two or more dwelling units and in the shared or public parts thereof.

(f) Posting of Identification -- Owner or Agent.

In any dwelling in which the owner does not reside, the name, address and telephone number of the owner or his agent or other responsible person, if any shall be supplied in writing to the occupants of the dwelling and/or posted in a public or prominent place on the premises and the information shall be legible, accurate, and kept up-to-date. A post office box number shall be unacceptable for the address required by this section.

(g) Written Agreement.

The Enforcement Authority shall honor written agreements between owners and occupants with respect to allocation of responsibility for repair and maintenance of the premise. The presumption is that the owner is responsible unless the owner presents to the Enforcement Authority a written agreement stating otherwise.

Division 3. Rooming Houses

Sec. 14.1-17 Rooming House, Rooming Units, Dormitories, Dormitory Room.

No person shall operate a rooming house or dormitory, or shall occupy or let to another for occupancy any dormitory room and/or rooming unit in any rooming house or dormitory, which is not in compliance with the appropriate provisions of every section of this ordinance.

SEC 14.1-18. Sanitation and Cleanliness.

The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other

part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

SEC 14.1-19. Violations and Notice.

Whenever upon inspection of any rooming house, the enforcement officer finds that conditions or practices exist which are in violation of any provision of this ordinance, the enforcement officer shall give notice in writing that unless such conditions or practices are corrected with a reasonable period, to be determined by the Enforcement Authority, the operation of such premises as such rooming house shall be discontinued, and, if such rooming house operation is licensed by any duly constituted governmental agency, a recommendation that such license be revoked, for the protection of public health, shall be given to such licensing governmental body or agency by the Enforcement Authority. At the end of such period the Enforcement Authority shall reinspect such rooming house, and if he/she finds that such conditions or practices have not been corrected, he/she shall give notice in writing to the operator that such operations shall cease, and, if such rooming house operation is licensed by any duly constituted governmental agency, the Enforcement Authority shall recommend the immediate revocation of such license by such issuing agency. Upon receipt of such notice from the Enforcement Authority, such operator shall immediately cease operation of such rooming house, and no person shall occupy, for sleeping or living purposes, any rooming unit therein.

SEC 14.1-20. Standards and Minimum Requirements.

No person shall operate a rooming house or dormitory, or shall occupy or let to another for occupancy any dormitory room and/or rooming unit in any rooming house or dormitory, which does not comply with the following standards and minimum requirements.

Water Closet.

(a) At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Enforcement Authority and in good working condition, shall be supplied for each six (6) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities, provided:

(1) That in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets and provided that there shall be at least one water closet.

(2) That all such facilities shall be so located within the dwelling as to be reasonably accessible to all persons sharing such facilities and from a common hall or passageway and provided that such facilities are not located more than one floor above or below the rooming unit or units served.

(3) That every lavatory basin and bathtub or shower shall be supplied with hot and cold water under pressure at all times.

(4) That, if the rooming house has only one bathroom

for use by the occupants of the rooming units,
said bathroom shall not be located below grade.

Cooking Facilities.

(b) The following provision shall apply in all rooming houses and dormitories concerning cooking facilities and food service:

(1) Cooking in dormitory rooms and rooming units is prohibited.

(2) All food service and dining facilities provided in a rooming house or dormitory for the occupants of same shall comply with applicable food service legislation.

Access Doors.

(c) Access doors to rooming units and dormitory rooms, shall have operating locks to insure privacy.

(d) Supplied Linen.

Unless exempted by the Enforcement Authority in writing, the operator of every rooming house shall change supplied bed linen and towels therein at least once a week, and prior to the letting of any room to any occupant, and the operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(e) Habitable Room.

Every rooming unit shall comply with all requirements of this ordinance pertaining to a habitable room.

(f) Occupancy.

Every rooming unit occupied by one (1) person shall contain at least eighty (80) square feet of floor space and every rooming unit occupied by more than one person shall contain at least sixty (60) square feet for each occupant thereof.

(g) Egress.

Every rooming unit shall have immediate access to two (2) or more approved means of egress, with minimum head room of six (6) feet and six (6) inches, appropriately marked, leading to a safe and open space at ground level or as required by the appropriate statutes, ordinances, and regulations of the City of Fort Wayne and the State of Indiana.

(h) Handrails and Guardrails.

All buildings containing rooming units, dormitories or dormitory units, shall comply with all requirements of this ordinance pertaining to handrails and guardrails.

(i) Separation of Rooming Units.

Access to or egress from each rooming unit shall be provided without passing through any other rooming unit.

(j) Application of Section to Motels and Hotels.

Every provision of this Division which applies to rooming houses shall also apply to motels, motor lodges, and hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

Article IV. Unfit Dwelling and Building

SEC 14.1-21. In General.

These provisions shall apply to any building, dwelling or structure that is declared by the Enforcement Authority as unsafe and unfit for human occupancy. The designation of dwellings as unfit for human occupancy and the procedure

1 for the condemning and placarding of such unfit dwellings,
2 and maintenance of all vacant buildings shall be carried
3 out in compliance with the following requirements of this
4 article.

5 SEC 14.1-22. Unfit for Human Occupancy.

6 Any building, dwelling, dwelling unit, rooming house, rooming
7 unit shall be declared by the Enforcement Authority unfit
8 for human occupancy when the following conditions exist:

9 (a) conditions of damage, decay, dilapidation, abandonment,
10 insanitation, or vermin or rodent infestation which
11 constitute a serious hazard to the health or safety
12 of occupants or the public;

13 (b) the lack of required sanitation, illumination,
14 ventilation, heating, electrical, plumbing or other
15 facilities and systems adequate to protect the health
16 and safety as to create a serious hazard to the occupants
17 or the public;

18 (c) conditions or defects described in Sec 14.1-6.
19

20 SEC 14.1-23. Order to Vacate Placard.

21 Whenever a building, dwelling, dwelling unit, rooming house,
22 or rooming unit is declared by the Enforcement Authority
23 as unsafe or unfit for human occupancy the Enforcement
24 Authority may post an Order to Vacate placard requiring
25 such building to be vacated and to remain vacated. Such
26 placard shall be authorized and signed by the Administrator
27 of the Department. It shall contain the address and phone
28 number of the Department and the date by which the occupants
29 shall vacate the building, dwelling, or dwelling unit or
30 portion thereof. The Enforcement Authority may issue an
31

1 Order to Vacate pursuant to I.C. 36-7-9-5 or 36-7-9-17
2 if the owner or occupant fails to vacate the unsafe premise.

3 SEC 14.1-24. Time Allowed to Vacate.

4 Any building, dwelling, or dwelling unit condemned as unfit
5 for human occupation, and so designated and placarded by
6 the Enforcement Authority shall be vacated within not less
7 than twenty-four (24) hours or more than thirty (30) days
8 as ordered by the Enforcement Authority.

10
11 SEC 14.1-25. Unlawful to Remove Placard.

12 It shall be unlawful for any person to deface, remove or
13 alter any notice or placard from any structure or dwelling
14 which has been placarded under this ordinance except by
15 the express written permission of the Enforcement Authority.

16
17 SEC 14.1-26. Reoccupancy of a Vacated Dwelling.

18 No building or dwelling unit which has been placarded as
19 unfit for human occupancy shall again be used for human
20 occupancy until written approval is secured from and such
21 placard is removed by the Enforcement Authority. The Enforce-
22 ment Authority shall remove such placard whenever the defect
23 or defects upon which the condemnation and placarding action
24 were based have been eliminated.

25
26 SEC 14.1-27. Notice.

27 The Enforcement Authority, after posting an Order to Vacate
28 a property, shall, in addition to I.C. 36-7-9-25, serve
29 to the owner, agent, or person in control of such property,
30
31
32

1 a written notice listing the violations that caused this
2 Order to be issued and the action that this Order requires.

3
4 Article V. Vacant Building

5 SEC 14.1-28. Requirements for Vacant Buildings.

6 The owner of any building or structure or portion thereof
7 that is vacant is required to secure and maintain such
8 according to all requirements of this Chapter relative
9 to exterior condition of the structure and its premise.
10

11 SEC 14.1-29. Boarding Specifications.

12 Unsecured openings in any building, dwelling, dwelling
13 unit, or structure shall be secured with one-half inch
14 (1/2") C.D.X. plywood to be nailed with eight (8) d. Ardox
15 siding nails or equivalent to the frame of the opening.
16 Other boarding specifications may be approved by the Department.
17

18 Article VI. Enforcement

19
20 SEC 14.1-30. Inspection Authority.

21 The Enforcement Authority shall inspect buildings, dwellings,
22 dwelling units and accessory structures and premises based
23 on the following provisions:

24 (a) The Enforcement Authority is hereby authorized
25 and directed to make inspections to determine the
26 condition of buildings, dwellings, dwelling units,
27 rooming units and premises located within the City
28 of Fort Wayne in order that they may perform their
29 duty of safeguarding the health and safety of the
30 occupants of dwellings and of the general public.
31

1 For the purpose of making such inspections, the Enforcement
2 Authority is hereby authorized to enter, examine and
3 survey at all reasonable times all buildings, dwellings,
4 dwelling units, rooming units and premises. In the
5 event the owner or occupant of any building, dwelling,
6 dwelling unit or rooming unit or the person in charge
7 thereof, refuses to give the Enforcement Authority
8 free access to such dwelling, dwelling unit or rooming
9 unit and its premises, the Enforcement Authority may
10 apply for an inspection warrant pursuant to I.C. 36-7-9-16.

11 (b) Where conditions of an area, passage of time,
12 the nature of the building, or a need to conduct a
13 periodic, area-wide inspection exists, and where a
14 showing of such is made by affidavit, an inspection
15 warrant shall be issued by a court of record in Allen
16 County directing the inspection of the property concerned.

17 (c) The Enforcement Authority is authorized to take
18 emergency action and recover costs.

19 (d) The Enforcement Authority is authorized and directed
20 to proceed with a full inspection of any structure
21 that is deemed to be a public nuisance by the fact
22 that it is unsealed, unsecured, and vacant.

23 SEC 14.1-31. Notices; Hearing.

24 (a) Whenever the Enforcement Authority determines
25 there are reasonable grounds to believe that there
26 has been a violation of any provision of this ordinance,
27 it may serve notice of such alledged violation to
28 the person or persons responsible therefore. The
29 Enforcement Authority is not required to serve a notice
30 prior to an Order pursuant to I.C. 36-7-9-5.

1 (b) Any person affected by any notice of any provision
2 of this ordinance may request and shall be granted
3 a hearing on the matter before the Enforcement Authority,
4 provided, that such person shall file in the office
5 of the Enforcement Authority a written petition requesting
6 such hearing and setting fourth a brief statement
7 of the ground therefore within ten (10) days after
8 the day the notice was served. Upon receipt of such
9 petition the Enforcement Authority shall set a time
10 and place for such hearing and shall give the petitioner
11 written notice thereof. At such hearing the petitioner
12 shall be given an opportunity to be heard and to show
13 why such notice should be modified or withdrawn.
14 The hearing shall be commenced not later than ten
15 days after the day on which the petition was filed;
16 provided, that upon application of the petitioner
17 the Enforcement Authority may postpone the date of
18 the hearing for a reasonable time beyond such ten
19 (10) day period, if in its judgment the petitioner
20 has submitted a good and sufficient reason for such
21 postponement.

22 (c) When the Enforcement Authroity issues an Order
23 to Repair, a hearing shall be conducted pursuant to
24 IC 36-7-9-7.

25 (d) The hearing officer shall not be an employee of
26 the City of Fort Wayne.

27 SEC 14.1-32. Violations and Penalties.

28 Any violation of I.C. 36-7-9-28 or any provision of this
29 ordinance shall upon conviction by the court be punished
30 by a fine not to exceed five hundred dollars (\$500) per
31

1 violation. Each and every day on which the condition exists
2 shall constitute a separate and distinct violation. All
3 fines and costs recovered by the City pursuant to this
4 ordinance shall be placed in the Unsafe Building Fund.

5 Article VII. Safe Housing and Building Advisory Commission
6

7 Sec 14.1-33. Establishment and Composition.
8

9 There is hereby created and established by the City the
10 Safe Housing and Building Advisory Commission consisting
11 of five (5) members. The Mayor of the City shall appoint
12 the four members as follows: One member selected from
13 the Fort Wayne Fire Department; and three citizen members
14 with expressed knowledge and interest in the building and
15 housing trades. The Common Council shall select one member
16 with expressed knowledge and interest in the building and
17 housing trade.

18 Sec 14.1-34 Appointment, Term, Etc., of Members
19

20 1. The Commission shall be appointed:
21

22 (a) within thirty (30) days following the passage
23 of this Ordinance. Subsequent to this initial appointment,
24 members shall be appointed on January 1 of each year
25 beginning in 1987.

26 (b) to serve a three (3) year term, terms to be stag-
27 gered. No limit shall be set on numbers of terms
28 a Commission member can serve, all members to serve
29 without compensation.

30 (c) at the outset by the Mayor: one person to service
31 one (1) year; one (1) person to serve two (2) years;
32 and two (2) persons to serve three (3) years. The

Common Councilperson shall serve two (2) years.

2. Organizational Meeting.

(a) The first meeting of the Commission shall be convened by the Administrator of the Department.

(b) The Commission shall elect a chairperson and secretary from among its members.

(c) The secretary shall be charged with the duty of keeping and maintaining the necessary minutes and other records.

(d) In the absence of the chairperson at a meeting the secretary shall chair the meeting.

3. Meetings, Rules and Regulations.

The Commission shall meet at the request of the Department at least two (2) times a year or upon special call by the chairperson; or upon the written request to the chairperson by any three (3) members.

4. Quorum.

Three (3) members of the Commission shall constitute a quorum to do business.

5. Vacancies.

In the case of a vacancy in office due to death, resignation, incapacity, removal or otherwise; the appointment to fill the vacancy so occurring shall be made by the Mayor for the unexpired term only. In case of vacancy of the member appointed by the City Council, the Council shall fill the vacancy for the unexpired term only.

Sec 14.1-35. Duties.

The Commission shall (a) adopt a schedule setting forth the maximum amount of performance bonds applicable to various

1 types of orders pursuant to I.C. 36-7-9-7(f), and (b) determine
2 the amount of the average processing expense pursuant to
3 I.C. 36-7-9-12.

4
5 SECTION 3. Severability.

6 Should any section, paragraph, sentence, clause or phrase
7 of this ordinance be declared unconstitutional or invalid
8 for any reasons, the remainder of said ordinance shall
9 be not affected thereby.

10 SECTION 4. Conflict of Ordinances.

11 In any case where a provision of this ordinance is found
12 to be in conflict with a provision of any ordinance or
13 standard of the City of Fort Wayne, the provision which
14 establishes the higher standard for the promotion and protection
15 of the health and safety of the people shall

16
17 prevail. If any provisions of this ordinance are in conflict
18 with state law, the state law prevails.

19
20 SECTION 5. Pending Actions.

21 This Chapter shall not be construed or held to repeal any
22 former ordinance as to any offense committed against such
23 former ordinance or as to any act done, any penalty, forfeiture
24 or punishment so incurred or any right accrued or claim
25 arising under the former ordinance.

26
27 SECTION 6.

28 This ordinance shall be in full force and effect from and
29 after its passage, approval by the Mayor and legal publicat-
30 ion thereof.

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COUNCILPERSON

APPROVED AS TO FORM AND LEGALITY.

Bruce O. Boxberger, City Attorney

Dated this _____ day of _____, 1985.

1
2 AN ORDINANCE amending the Municipal Code of the
3 City of Fort Wayne, Indiana; by adopting I.C. 36-7-9-1
4 et seq. dealing with the enforcement of unsafe
5 building standards; by adopting safe housing
6 standards; by creating a Safe Housing and Building
7 Advisory Commission; by repealing a previous
8 ordinance and adopting certain additional provi-
9 sions.

10 WHEREAS, it is necessary for the City of Fort Wayne,
11 Indiana, to have an updated Unsafe Building Standard; and

12 WHEREAS, it is in the best interests of this City
13 and its citizens to adopt new Safe Housing Standards to
14 protect public health, safety and general welfare; and

15 WHEREAS, said new Standards will specifically insure
16 that no residential or commercial buildings within the
17 City of Fort Wayne will endanger the life, health, property
18 and safety of the public or its occupants; and

19 WHEREAS, said new Standards are specifically intended
20 to insure that all buildings, dwellings, dwelling units,
21 and accessory structures are safe, sanitary and fit for
22 human occupancy; and to provide for the correction, repair
23 or removal of all substandard structures.

24 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
25 OF THE CITY OF FORT WAYNE, INDIANA:

26 SECTION 1. Repeal.

27 General Ordinance G-14-74, relating to unsafe buildings
28 and premises, is hereby repealed. Chapter 14, Article IV,
29 Sections 14-23 through 14-60 of the Municipal Code of the
30 City of Fort Wayne, Indiana is repealed.

31 SECTION 2. Amendment.

32 The Municipal Code of the City of Fort Wayne, Indiana,
is hereby amended by adding a new Chapter 14.1, entitled

1 "Enforcement of Safe Housing and Building Standards", which
2 new chapter consists of the following sections.

3 Article I. In General
4

5 SEC 14.1-1. Definitions. For the purposes of
6 this ordinance the following definition(s) shall apply.

7 a. Terms Identified.

- 8 1. Accessory Structure. A detached building structure
9 in a secondary or subordinate capacity from the
10 main or principal structure on the same premises.
11 2. Approved. Shall mean approved by the Enforcement
12 Authority under the provisions of this ordinance,
13 or approved by other appropriate authority designated
14 by law to give approval in the matter in question.
15 3. Basement. The lowest story of a building or
16 the one just below the main floor.
17 4. Cellar. That portion of a building located partly
18 or completely below grade, having at least one-half
19 of its height below grade, and used for storage.
20 5. Central Heating. The heating system permanently
21 installed and adjusted so as to provide the distribu-
22 tion of heat to all habitable rooms, bathrooms,
23 and water closet compartments from a source outside
24 of these rooms.
25 6. Chimney. A vertical shaft of reinforced concrete,
26 masonry, or other approved material enclosing
27 one (1) or more flues, for the purpose of removing
28 products of combustion from solid, liquid, or
29 gaseous fuel.
30 7. Dilapidated. No longer adequate for the purpose
31
32

or use for which it was originally intended.

1
2 8. Dwelling. A structure, partly or wholly, intended
3 for or being used for residential purposes.

4 A. Single Family Dwelling. A building containing
5 one dwelling unit.

6 B. Multi-family dwelling. A building or portion
7 thereof containing two or more dwelling
8 units.

9 9. Dwelling Unit. A single unit providing complete,
10 independent living facilities for one or more
11 persons including permanent provisions for living,
12 sleeping, eating, cooking, and sanitation.

13 10. Egress. An arrangement of exit facilities to
14 assure a safe means of exit from a building to
15 ground level.

16 11. Enforcement Authority. Department of Safe Housing
17 and Building Standards of the City of Fort Wayne.

18 12. Enforcement Officer. The official designated
19 herein or otherwise charged with the responsibilities
20 of administering this ordinance.

21 13. Extermination. The control and elimination of
22 insects, rodents, or other pests by eliminating
23 their harborage places; by removing or making
24 inaccessible materials that may serve as their
25 food; by poisoning, spraying, fumigating, trapping,
26 or by any other recognized and legal pest elimina-
27 tion methods approved by the local or state authority
28 having such administrative authority.

29 14. Family. One individual living alone, or two or
30 more individuals living together whether related
31 by birth or not and having common housekeeping
32

facilities. (See also Household).

15. Floor Area. The area included within the surrounding walls of a structure exclusive of vents, shafts, and courts.
16. Garbage. The animal and vegetable waste resulting from the handling preparation, cooking, serving, and non-consumption of food.
17. Guest. An individual who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.
18. Habitable Space. Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.
19. Household. One or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities. (See also Family).
20. Infestation. The presence, within or contiguous to a structure or premises, of insects, rats, vermin, or other pests.
21. Lead Based Paint. Any paint containing more lead than the level established by the U.S. Consumer Product Safety Commission as being the "safe" level of lead in residential paint and paint products. The current level is 0.5 percent.
22. Let for Occupancy or Let. To permit possession or occupancy of a dwelling, or dwelling unit, by a person who shall be the legal owner of record or not be the legal owner of record thereof,

1 pursuant to a written or unwritten lease, agreement
2 or licensee, or pursuant to a recorded or unre-
3 corded agreement of contract for the sale of
4 land.

5 23. Occupant. Any individual, over one (1) year
6 of age, living, sleeping, cooking, or eating
7 in or having possession of a dwelling unit; except
8 that in dwelling units a guest shall not be considered
9 an occupant.

10 24. Operator. Any person who has charge, care or
11 control of a structure or premises, which are
12 let or offered for occupancy.

13 25. Owner. See "Substantial Property Interest"

14 26. Permissible Occupancy. Shall mean the maximum
15 number of individuals permitted to reside in
16 a dwelling or dwelling unit.

17 27. Person. Any individual, firm, corporation, associa-
18 tion, partnership, cooperative or governmental
19 agency.

20 28. Plumbing. The practice, materials, and fixtures
21 used in the installation, maintenance, extension
22 and alteration of all piping, fixtures, appliances,
23 and appurtenances used for, or intended to be
24 used for the transfer of water or liquid waste.

25 29. Plumbing Fixture. A receptacle or device which
26 is either permanently or temporarily connected
27 to the water distribution system of the premises
28 and demands a supply of water therefrom; or discharges
29 used water, liquid-borne waste materials, or
30 sewage either directly or indirectly to the drainage
31 system of the premises; or which requires both
32

1 a water supply connection and a discharge to
2 the drainage system of the premises.

3 30. Premises. A lot, plot, or parcel of land including
4 the building or structures thereon.

5 31. Properly Connected. Connected in accordance with
6 all applicable codes and ordinances of the City
7 of Fort Wayne as from time to time enforced;
8 provided, however, that the application of this
9 definition shall not require the alteration or
10 replacement of any existing connection in good
11 working order and not constituting a hazard to
12 health, safety, or deterioration of property.

13 32. Public Nuisance. Includes the following:

- 14 a. Any physical condition, use or occupancy
15 of any premises or its appurtenances considered
16 an attractive nuisance to children, includ-
17 ing, but not limited to, abandoned wells,
18 shafts, basements, excavations and unsafe
19 fences or structures; or the required precau-
20 tions against trespassers have not been
21 provided; or
- 22 b. Any premises from which the plumbing, heating,
23 electrical and/or facilities required by
24 this ordinance have been removed, or from
25 which utilities have been disconnected,
26 destroyed, removed or rendered ineffective;
27 or
- 28 c. Any structure or building that is in a state
29 of dilapidation, deterioration or decay;
30 faulty construction; overcrowded; open,
31 vacant or abandoned; damaged by fire to
32

the extent as not to provide shelter; in danger of collapse or failure and is dangerous to anyone on or near the premises.

33. Rat Harborage. Shall mean any conditions or place where rats can live, nest, or seek shelter.

34. Ratproofing. Shall mean a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials impervious to rat gnawing and other methods approved by the Board of Health.

35. Refuse. Shall mean all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.

36. Refuse Container. Shall mean a watertight container that is constructed of metal or other durable material impervious to rodents, that is capable of being serviced without creating insanitary conditions. Openings into the container such as covers and doors shall be tight fitting.

37. Required. Required by some provision of this ordinance.

38. Rubbish. Combustible waste materials, except garbage, including the residue from the burning of wood, coal, coke, and other combustible materials;

1 paper; rags; cartons; boxes; wood; excelsior;
2 rubber; leather; tree branches; yard trimmings;
3 tin cans; metals; mineral matter; glass; crock-
4 ery; and other similar materials.

5 39. Safe and Safety. Shall mean the condition of
6 being reasonably free from danger and hazards
7 which may cause accidents or disease.

8 40. Space Heater. A self-contained, heating appliance
9 of either the conventional type or the radiant
10 type and intended primarily to heat only a limited
11 space or area such as one room or two adjoining
12 rooms.

13 41. Stairway. One or more flights of stairs and the
14 necessary landings and platforms connecting them
15 to form a continuous and uninterrupted passage
16 from one floor or level to another in a building
17 or structure.

18 42. Structure. That which is built or constructed,
19 including without limitation because of enumeration,
20 buildings for any occupancy or use whatsoever,
21 fences, signs, billboards, fire escapes, chute
22 escapes, railings, water tanks, towers, open
23 grade steps, sidewalks or stairways, tents or
24 anything erected and framed of component parts
25 which is fastened, anchored or rests on a permanent
26 foundation or on the ground.

27 43. Supplied. Paid for, furnished by, provided by,
28 or under the control of the owner, operator,
29 or agent.

30 44. Substantial Property Interest. Shall mean the
31 interest reflected by a deed, lease, license,
32

mortgage, land sale contract, or lien or evidence of such that is:

- a. recorded in the office of the county recorder;
- or
- b. the subject of written information that is received by the Enforcement Authority and includes the name and address of the holder of the interest described.

45. Temporary Housing. Any tent, trailer, mobile home or any other structure used for human shelter which is designed to be a transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

46. Toxic Substance. Any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

47. Ventilation. The process of supplying and removing air by natural or mechanical means to or from any space.

- a. Mechanical Ventilation. By power driven devices.

- b. Natural Ventilation By opening to outer air through windows, skylights, doors, louvers, or stacks without winddriven devices.

48. Water Closet. A toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap.

49. Workmanlike. Whenever the words "workmanlike

state of maintenance and repair" are used in this ordinance they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

b. Meaning of Certain Words. Whenever the words "dwelling," "dwelling unit," "rooming unit," "premises," "structures," are used in the ordinance they shall be construed as though they were followed by the words "or any part thereof." Words used in the singular include the plural, and the plural singular.

c. Undefined Words. Words not specifically defined in this ordinance shall have the common definition set forth in a standard dictionary.

SEC 14.1-2. Administration of Ordinance.

The Department of Safe Housing and Buildings Standards, hereinafter called the "Department", is authorized to administer this ordinance. The Department is hereby declared to be a part of, and under the supervision of the Division of Community Development and Planning. All persons designated by the Administrator of the Department to enforce this ordinance must have a Special Police Commission granted by the Board of Public Works and Safety authorizing them to enforce this ordinance.

SEC 14.1-3. Delegation of Enforcement Power.

The Enforcement Authority may delegate to other city officials authority to enforce all or part of the provisions of this ordinance.

SEC 14.1-4. Restrictions on Employees.

No employee connected with the Enforcement Authority shall be financially interested in the furnishing of labor, material or appliances for the repair, alteration or maintenance of a building, dwelling, or dwelling unit on which a notice or order by the Department has been issued, or in the making of plans or specifications therefrom, unless he or she is the owner of such building.

Article II. Unsafe Building Standards

SEC 14.1-5. Adoption

I.C. 36-7-9-1 through I.C. 36-7-9-28, entitled "Enforcement of Building Standards," are hereby adopted in their entirety, incorporated by reference and made a part hereof as if copied verbatim. These provisions are further supplemented by the provisions of this ordinance. All proceedings within the City of Fort Wayne for the inspection, repair and removal of unsafe buildings shall be governed by I.C. 36-7-9-1 through I.C. 36-7-9-28 and by the provisions of this ordinance and any other applicable City ordinance.

SEC 14.1-6. Unsafe Buildings and Unsafe Premises.

The description of an unsafe building contained in I.C. 36-7-9-4 is hereby supplemented to provide minimum standards for building conditions or maintenance in the City of Fort Wayne, Indiana, by adding the following. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that

1 life, health, property, or safety of the public or
2 its occupants are endangered.

- 3 1. Whenever any door, aisle, passageway, or
4 other means of exit is not of sufficient
5 width or size or it not so arranged as to
6 provide safe and adequate means of exit
7 in case of fire or panic; or
- 8 2. Whenever the stress in any materials, member,
9 or portion thereof, due to all dead and
10 live loads, is more than one and one-half
11 times the working stress or stresses approved
12 for new buildings of similar structure,
13 purpose, or location; or
- 14 3. Whenever any portion thereof has been damaged
15 by fire, earthquake, wind, flood, or by
16 any other cause, to such an extent that
17 the structural strength or stability thereof
18 is materially less than it was before such
19 catastrophe and is less than the approved
20 minimum requirements for new buildings of
21 similar structure, purpose, or location;
22 or
- 23 4. Whenever any portion, member, or appurtenance
24 thereof is likely to fail, to become detached
25 or dislodged, or to collapse and thereby
26 injure persons or damage property; or
- 27 5. Whenever any portion of a building, or any
28 member, appurtenance, or ornamentation on
29 the exterior thereof is not of sufficient
30 strength or stability or is not so anchored,
31 attached, or fastened in place so as to
32

1 be capable of resisting a wind pressure
2 of one-half of that specified for new buildings
3 of similar structure, purpose, or location
4 without exceeding the working stresses approved
5 for such buildings; or

6 6. Whenever any portion thereof has wracked,
7 warped, buckled, or settled to such an extent
8 that walls or other structural portions
9 have materially less resistance to winds
10 or earthquakes than is approved in the case
11 of similar new construction; or

12 7. Whenever the building or structure, or any
13 portion thereof, because of (a) dilapidation,
14 deterioration, or decay; (b) faulty construction;
15 (c) the removal, movement, or instability
16 of any portion of the ground necessary for
17 the purpose of supporting such building;
18 (d) the deterioration, decay, or inadequacy
19 of its foundation; or (e) any other cause,
20 is likely to partially or completely collapse;
21 or

22 8. Whenever the building or structure, or any
23 portion thereof, is manifestly unsafe for
24 the purpose for which it is being used;
25 or

26 9. Whenever the exterior walls or other vertical
27 structural members list, lean, or buckle
28 to such an extent that a plumb line passing
29 through the center of gravity does not fall
30 inside the middle one-third of the base;
31 or

10. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings; or
11. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become (a) an attractive nuisance to children, or (b) freely accessible to persons for the purpose of committing unlawful acts; or
12. Whenever any building or structure that has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the Building Department of Allen County, or of any law or ordinance of this state or City relating to the condition, location, or structure of buildings; or
13. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than sixty-six percent of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics approved

by law in the case of a newly constructed building of like area, height, and occupancy in the same location; or

14. Whenever a building or structure, used or intended to be used for residential or non-residential purposes because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise is determined by the Enforcement Authority to be unfit for human occupancy, to be insanitary, or in such a condition that is likely to cause sickness or disease; or

15. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connection, or heating apparatus, or other cause, is determined by the Enforcement Authority to be a fire hazard; or

16. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

1 SEC 14.1-7. Substantial Property Interest.

2 The definition of substantial property interest contained
3 in I.C. 36-7-9-2 is hereby adopted and incorporated by
4 reference, including the portion of the definition which
5 applies to a consolidated city.
6

7 SEC 14.1-8. Unsafe Building Fund.

8 An Unsafe Building Fund is hereby established in the operating
9 budget of the City of Fort Wayne in accordance with the
10 provisions of I.C. 36-7-9-14. Money in the Unsafe Building
11 Fund shall be held and distributed in accordance with
12 State Law and pursuant to the instruction of the City Con-
13 troller.
14

15 Article III. Safe Housing Standards.

16 Division 1. Generally

17
18 SEC 14.1-9. Title and General Purpose.

19 This article shall be cited as the "Safe Housing Standards."
20 This article articulates the commitment of the City to
21 protect, preserve, and promote the physical and mental
22 health and social well being of the people, to prevent
23 and control the incidence of communicable diseases, to
24 reduce environmental hazards to health and safety and to
25 regulate privately and publicly owned dwellings for the
26 purpose of maintaining adequate sanitation and public health;
27 by establishing legislation which provides for the admini-
28 stration and enforcement of, and cites minimum standards
29 for the following:

- 30 1. basic equipment and facilities with respect to
31

light, ventilation, and thermal conditions;

2. safety from fire and accidents;
3. the use and location and amount of space for human occupancy; and
4. the determination of the responsibilities of owners, operators, and occupants of dwellings.

SEC 14.1-10. Scope.

The provisions of this article shall apply to all residential structures and residential portions of mixed occupancy buildings existing at the date of the adoption of this ordinance and thereafter erected, and shall apply to all conversions and future conversions of existing buildings from non-residential to residential or partially residential.

Division 2. Minimum Standards for Housing

SEC 14.1-11. Minimum Standards for Basic Facilities.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements.

(a) Water Supply Facilities.

The water supply system of every building used in whole or in part for dwelling purposes shall be furnished from an approved source. The water supply system shall be installed and maintained to provide at all times while the dwelling or dwelling unit is occupied a supply of water to plumbing fixtures in sufficient volume and at pressures adequate to enable them to

function satisfactorily.

(b) Plumbing - Installation and Maintenance.

All plumbing facilities, water closets, water and waste pipes and other plumbing fixtures in every dwelling or dwelling unit shall be properly installed and maintained in good, sanitary working condition and repair; free from defects, leaks, and obstructions and in accordance with the requirements of this Standard and the Indiana Plumbing Rules, 1981 edition.

(c) Water Heating Facilities.

Every dwelling unit shall contain water heating facilities which are properly installed, operated, and maintained in safe and good working condition and are properly connected to the bathtub or shower, sink, and lavatory basin. Such water heating facilities shall be capable of automatically heating water to such a temperature as to permit water to be drawn at every required bathtub or shower, sink, and lavatory basin at a temperature of not less than one hundred twenty (120) degrees Fahrenheit. All gas fired water heaters shall be vented to the outside.

(d) Sewerage System.

Each dwelling and each dwelling unit shall have each drainage outlet connected to the public sanitary sewerage system, or a private sewerage system approved by the City-County Board of Health. Every plumbing stack, waste and sewerage line shall:

- (1) be properly installed;
- (2) be maintained as to function properly; and
- (3) be kept free from obstructions, leaks, and defects to prevent health hazards.

(e) Water Closet and Lavatory Facilities.

Every dwelling unit shall contain, within a room which affords privacy, a water closet and a lavatory basin in good working condition which shall be properly connected to the public sanitary sewer or to an approved sewerage disposal system. Such water closet and lavatory basin shall be within and accessible from within the dwelling unit. The lavatory basin shall be properly connected to both hot and cold water lines, and the water closet shall be properly connected to a cold water line. The floor of such room shall be made impervious to water to prevent structural deterioration and any development of insanitary conditions.

(f) Bathing Facilities.

Every dwelling unit shall contain within a room which affords privacy, a bathtub or shower in good working condition which shall be properly connected to both hot and cold water lines and to the public sanitary sewer, or private sanitary sewer system approved by the City-County Board of Health. Such bathing facilities shall be within and accessible from within the dwelling unit.

(g) Kitchen and Kitchen Facilities.

(1) Every dwelling unit shall contain a room or space for the preparation and cooking of food which shall include space and connections for a stove or other cooking facilities, and a space for refrigerated food storage.

(2) Every dwelling unit shall contain a sink in good working condition which shall be properly connected to both hot and cold water lines and

1 to the public sanitary sewer. A lavatory basin
2 shall not meet this requirement of a kitchen
3 sink.

4 (3) The use of gasoline stoves or other similar
5 fuel burning appliances using highly flammable
6 liquids and the use of portable kerosene stoves
7 or other similar fuel burning portable appliances
8 for cooking is prohibited.

9 (4) Hoods and ducts over kitchen ranges shall
10 be free of grease or other flammable residue
11 that collect therein.

12 (5) The floor of such room shall be made imperv-
13 ious to water to prevent structural deterioration
14 and any development of insanitary conditions.

15 (h) Egress.

16 Every dwelling, dwelling unit and rooming house shall
17 have safe, unobstructed means of egress leading to
18 safe and open space at ground level.

19 (i) Exits.

20 Every door available as an exit from an occupied dwelling
21 shall be capable of being opened from the inside and
22 without the use of a key, unless there is an alternate
23 means of egress leading to a safe and open space at
24 ground level in case of fire.

25 (j) Fire Protection.

26 Every building used in whole or in part for dwelling
27 purposes shall be provided with the fireproofing and
28 fire protection systems as required by the City of
29 Fort Wayne Fire Protection Code, Chapter 12.

30 (k) Garbage and Rubbish.

31 Every dwelling unit shall have garbage and rubbish
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1 storage containers sufficient to meet the needs of
2 the occupants. Each container shall be watertight
3 constructed of metal or other durable material impervious
4 to rodents, and maintained in a sanitary condition.

5 SEC 14.1-12. Minimum Standards for Light, Ventilation,
6 Heating, and Electrical Service.

7 No person shall occupy, or let to another for occupancy
8 any dwelling or dwelling unit for the purpose of living
9 therein, which does not comply with the following require-
10 ments:

11 (a) Light.

12 Every habitable room shall have at least one window
13 or skylight facing directly to the outdoors. The
14 minimum total window area, measured between stops,
15 for every habitable room shall be ten per cent of
16 the floor area of such room. Whenever walls or other
17 portions of structures face a window of any such room
18 and such light obstructing structures are located
19 less than three feet from the window and extend to
20 a level above that of the ceiling of the room, such
21 a window shall not be deemed to face directly to the
22 outdoors and shall not be included as contributing
23 to the required minimum total window area. Whenever
24 the only window in a room is a skylight-type window
25 in the top of such room, the total window area of
26 such skylight shall equal at least fifteen per cent
27 of the total floor area of such room.

28 (1) Mechanical Light.

29 The Enforcement Authority may approve such other
30 devices or arrangements as will adequately light
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a habitable room, where provision for a window or windows is not possible.

(2) Lighting of Halls and Stairs.

Every public hall and stairway in every multiple dwelling containing four or more dwelling units shall be lighted at all times. Every public hall and stairway in structures devoted solely to a dwelling occupancy and containing not more than three dwelling units shall be supplied with conveniently located light switches, controlling a lighting system which may be turned on when needed, instead of full time lighting.

(b) Ventilation.

Every habitable room shall have at least one window or skylight which can easily be opened or such other device as will ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five per cent of the minimum window area size or minimum skylight type window size, as required in subsection (a) of this section, except where there is supplied some other device affording ventilation and approved by the Enforcement Authority.

(1) Bathroom, Kitchen, Water Closet Ventilation.

Every bathroom, kitchen, and water closet compartment shall comply with the light and ventilation requirement for habitable rooms contained in subsections (a) and (b) of this section, except that no window or skylight shall be required in ventilated bathrooms, kitchens, and water closet compartments equipped with a mechanical ventilation system which is in good operating condition.

(2) Mechanical Ventilation.

The Enforcement Authority may approve such other devices or arrangements as will adequately ventilate a habitable room, where provision for a window or windows is not possible.

(c) Locking Window Hardware.

Every window accessible within twelve (12) feet of the adjacent ground shall be supplied with an adequate locking device.

(d) Screens.

The owner of a dwelling unit shall be responsible for providing, hanging, maintaining and replacing all screens and screen doors whenever the same are required under the provisions of this ordinance.

(1) Screens shall be required during May 1st through October 1st to provide protection against mosquitos, flies, bats, and other insects.

(2) Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens.

(3) Screens shall not be required during such period in rooms located four (4) stories or higher.

(4) Every basement or cellar window and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

(e) Electrical Service.

Every dwelling unit and all public and common areas

shall be supplied with adequate electric service, outlets and fixtures which shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a manner prescribed by the Indiana Mechanical Rules, 1981 edition.

(1) Electrical Outlets.

(a) Every habitable room shall contain at least two (2) separate duplex convenience outlets. Outlets shall be so located as to reasonably provide service to appliances in different parts of the room. Duplex convenience outlets as herein provided, which may be lacking in owner occupied single family dwellings otherwise meeting the provisions of this Standard shall be installed no later than one year from the passage of this ordinance.

(b) In sleeping rooms, dining rooms, and bathrooms, a ceiling fixture may be substituted for one of the required duplex outlets.

(c) The excessive use of extension cords shall be construed as a condition requiring additional duplex outlets.

(d) Every outlet and receptacle must be covered in an approved manner to prevent contact of its wiring or terminals with the body or splashing water.

(2) Electrical Fixtures.

At least one (1) supplied ceiling or wall-type electric light fixture shall be provided in every toilet room, bathroom, laundry room, furnace

1 room, public hall, basement, or any other area
2 in which artificial light is required for the
3 safety and welfare of the occupants.

4 (3) Kitchen Electrical Outlets.

5 In each kitchen at least one (1) separate duplex
6 convenience electrical outlet connected to a
7 twenty (20) amp. circuit shall be located as
8 to appropriately supply power for the refrigerator
9 area and for other electrical appliances.

10 (f) Heating Facilities.

11 Every dwelling shall have central heating facilities
12 which are properly installed, which are maintained
13 in a safe and good working condition and which are
14 capable of safely and adequately heating all habitable
15 rooms, bathrooms and water closet compartments in
16 every dwelling unit to a temperature of at least sixty
17 eight (68) degrees Fahrenheit at a distance three
18 feet above floor level, at an outdoor temperature
19 of zero (0) degrees Fahrenheit. No habitable room,
20 dwelling or dwelling unit shall contain any flame
21 producing device or appliance for the purpose of providing
22 the required heat in such space or spaces unless such
23 device or appliance shall be provided with a permanent,
24 proper and safe means for the supplying of combustion
25 air and for the venting to the outdoors of all products
26 of combustion.

27 (g) Space and Hot Water Heating Units. No space heater
28 unit shall be used as the primary source for the required
29 heat to a habitable room.
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SEC 14.1-13. Minimum Standards Relating to Safety and Sanitary Maintenance.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

(A) Sanitary Maintenance.

A clean and sanitary condition shall include but is not limited to the following standards:

(1) floors, floor coverings and other walking surfaces shall be free of filth, garbage, human and animal wastes, litter, refuse and any other insanitary matter; (2) walls, ceilings, windows and doorways shall be free of dirt, greasy film, soot and any other insanitary matter;

(3) water closets, lavatories, and sinks shall be kept in a clean and sanitary condition; and no material shall be deposited in any such fixture which may result in the obstruction of such fixture or of any connected plumbing lines.

(B) Standards for Good Repair and Safe Condition.

Every building and all parts thereof intended for use as a residential dwelling and premise shall, while in use or at any time when the lack of maintenance affects neighboring property, be kept in good repair and in safe condition. Good repair and safe condition shall include but is not limited to the following minimum standards:

(1) Exterior Standards.

(a) Roofing shall be provided and maintained to prevent the entrance of moisture. All roofing, sheathing and structural components

1 shall be maintained to render each structurally
2 sound.

3 (b) Existing gutters, leaders, and downspouts
4 shall:

5 (1) be maintained in operable conditions
6 on all dwellings

7 (2) be disconnected from the sanitary
8 sewer systems when inspected and advised
9 by the City of Fort Wayne Water Pollution
10 Control Engineering Department.

11 (c) Every foundation, wall, floor, ceiling,
12 window, door, and hatchway shall be structurally
13 sound and be maintained so as to be weather
14 tight, water tight, and rodent proof.

15 (d) Every exterior and interior stair, every
16 porch and appurtenance shall be so constructed
17 as to be safe to use and capable of supporting
18 the load that normal use may cause to be
19 placed thereon.

20 (1) All exterior and interior steps
21 and stairways shall be maintained
22 so as not to have any broken, warped
23 or loose treads and risers.

24 (2) Every exterior and interior flight
25 of stairs adjacent to a wall and more
26 than four (4) risers high shall have
27 handrails having minimum and maximum
28 heights of thirty (30) inches and thirty-
29 four (34) inches respectively, measured
30 vertically from the nosing of the treads
31 on at least one side of the stairway.
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1 (3) Every balcony, raised floor surface,
2 or porch located more than thirty (30)
3 inches above the floor or grade below
4 shall have guardrails not less than
5 thirty-six (36) inches in height.

6 (4) Handrails and guardrails shall
7 have intermediate rails or ornamental
8 closures which will not allow passage
9 of an object six (6) inches or more
10 in diameter.

11 (e) All chimneys, flues, smoke pipes or
12 similar devices shall be:

13 (1) structurally sound

14 (2) maintained in good repair.

15 (f) Any piece, part or attachment of the
16 structure which is so unsecurely fixed as
17 to be in danger of falling or being dislodged
18 by the elements so that it may possibly
19 injure any person or property shall be secured,
20 removed, or replaced.

21 (g) Exterior property areas of all premises
22 shall be kept free of any object, material
23 or condition, including abandoned or immobile
24 motor vehicles, which may create a health,
25 accident or fire hazard, or which is a public
26 nuisance.

27 (h) All sheds, barns, garages, fences and
28 other accessory structures on premises shall
29 be maintained in good repair, free from
30 health, accident, or fire hazards, or they

shall be removed from the premises.

(i) Yard spaces and other open areas appurtenant to a dwelling shall be graded, paved or otherwise constructed to drain water around or away from the premises.

(j) All accessory buildings, garages, barns, and sheds shall be capable of being secured to prohibit entrance from unauthorized persons.

(k) Windows shall have panes without major cracks or holes.

(2) Interior Standards.

(a) Ceilings, walls and floors shall be maintained free of holes, large cracks, or loose and deteriorated materials so that parts which become defective do not constitute a hazard to the occupants nor a harborage for insects or vermin. Split, splintered or badly worn floor boards shall be replaced.

(b) Doors to habitable rooms, bathrooms and toilet rooms must fit the opening in which they are hung and be properly equipped with hardware.

(c) Cellars, basements, and crawl spaces shall be maintained reasonably free of dampness to prevent conditions conducive to decay or deterioration of the structure.

(d) Painting.

(1) All exterior wood and ferrous metal surface shall be protected against decay by the use of paint or by other preservative material.

1 (2) All interior loose or peeling paint
2 shall be removed and the exposed surface
3 shall be placed in a smooth and sanitary
4 condition.

5 (3) No paint shall be used for interior
6 painting or any dwelling, dwelling
7 unit, rooming house or rooming unit
8 that is lead based.

9 (C) Discontinuance of Utilities or Service.

10 (1) No owner, operator, or occupant shall cause
11 any service, facility, or utility which is required
12 to be supplied under this Standard to be removed
13 from or shut off from or discontinued from any
14 occupied dwelling let or occupied by him/her
15 except for such temporary interruption as may
16 be necessary while actual repairs or alterations
17 are in process, or during temporary emergencies
18 when discontinuance of service is approved by
19 the Enforcement Authority.

20 (2) Utilities or Services required under this
21 ordinance shall not be caused to be shut off
22 to an occupied dwelling or dwelling unit by an
23 owner, operator, or agent in order to cause occupant
24 to vacate a dwelling or dwelling unit. Proper
25 legal eviction procedures shall be followed
26 by the owner, operator, or agent.

27 (D) Quality of Materials and Workmanship.

28 Material used in making any repairs shall be of quality
29 suitable for the purpose. Such repair shall be accom-
30 plished in a workmanlike manner and according to the
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1 accepted standards and practices of the appropriate
2 trade.

3 SEC 14.1-14. Minimum Standards for Space and Occupancy.

4 No person shall occupy or let to another for occupancy
5 any dwelling or dwelling unit for the purpose of living
6 therein, which does not comply with the following requirements.

7 (a) General Requirements.

8 (1) For every dwelling unit there shall be at
9 least one hundred fifty (150) square feet of
10 floor area for the first occupant and at least
11 one hundred (100) additional square feet of floor
12 area for each additional occupant over one year
13 of age. The floor area shall be calculated on
14 the basis of the total floor area of the dwelling
15 unit exclusive of stairways. For the purpose
16 of such calculation only the floor area in a
17 basement meeting the requirements for basement
18 occupancy shall be counted.

19 (2) No room used for sleeping purposes shall
20 have a floor area of less than seventy (70) square
21 feet. No room shall be used for sleeping purposes
22 by two or more persons unless there is at least
23 fifty (50) square feet of floor area for each
24 person twelve (12) years of age and over and
25 at least thirty-five (35) square feet of floor
26 area for each child over one year of age and
27 less than twelve years of age.

28 (3) No dwelling or dwelling unit containing two
29 or more sleeping rooms shall have room arrange-
30 ments such that access to a bathroom or water

1 closet compartment intended for use by occupants
2 of more than one sleeping room can be had only
3 by going through another sleeping room; nor shall
4 room arrangements be such that access to a sleeping
5 room can be had only by going through another
6 sleeping room or a bathroom or water closet compart-
7 ment.

8 (4) At least one half of the floor area of every
9 habitable room shall have a ceiling height of
10 at least seven (7) feet; and the floor area of
11 that part of any room where the ceiling height
12 is less than five (5) feet shall not be considered
13 as part of the floor area in computing the total
14 floor area of the room for the purpose of determining
15 the maximum permissible occupancy thereof.

16 (b) Basement Occupancy.

17 No basement space shall be used as a habitable room
18 or dwelling unit unless:

19 (1) the floor and walls are impervious to leakage
20 of underground and surface run-off water and
21 the area is insulated against dampness

22 (2) the total of window area in each room is
23 equal to at least the minimum window area sizes
24 as required in Section 2 of this Division.

25 (c) Prohibited Uses.

26 Kitchens and non-habitable or public spaces shall
27 not be used for sleeping purposes. No cellar space
28 shall be used as a habitable space unless it conforms
29 to the minimum requirements of this ordinance.
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SEC 14.1-15. Responsibilities of Occupants.

(a) Prohibited Occupancy.

An occupant or tenant shall not sublet any dwelling or dwelling unit which does not comply with the provisions of this Standard. In particular, but not by way of limitation, an occupant shall not permit any portion of a dwelling or dwelling unit to be occupied in violation of the standards and requirements for light, ventilation and occupancy as provided in this Standard.

(b) Sanitary Maintenance.

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling or dwelling unit and the premises thereof which he/she occupies or controls.

(c) Pest Extermination.

Every occupant of a single family dwelling shall be responsible for the extermination of any insects, rats or other pests therein or on the premises.

(d) Garbage, Rubbish and Ashes.

Every occupant of a structure or part thereof shall dispose of all garbage and rubbish in a clean and sanitary manner by placing it in storage containers equipped with tight fitting covers as required by this Standard.

(e) Egress.

The occupant of any dwelling or dwelling unit shall not obstruct in any manner any means of egress from any portion of the premises.

(f) Flammable Liquids or Gases or Combustible Materials. The occupant of any dwelling or dwelling unit shall not have or store flammable or combustible liquids

1 or gas in an amount considered dangerous by the Fort
2 Wayne Fire Department within the dwelling or dwelling
3 unit.

4 (g) Access for Repairs.

5 Every occupant of a dwelling or dwelling unit shall
6 give the owner thereof, or his/her agent or employee,
7 access to any part of such dwelling or dwelling unit,
8 or its premises, at all reasonable times for the purpose
9 of making such inspection and such repairs or altera-
10 tions as are necessary to effect compliance with the
11 provisions of this Standard or with any lawful rule
12 or regulation adopted or any lawful order issued pursuant
13 to the provisions of this Standard.

14 (h) Heat.

15 (1) Where the heating facilities of any dwelling
16 are under the control of the occupant thereof,
17 it shall be the responsibility of the occupant
18 to operate the heating facilities in order to
19 maintain above-freezing temperature at all times
20 in all portions of the dwelling and the premises
21 he/she occupies and controls so as to prevent
22 damage to water pipes and plumbing.

23 (2) If an occupant has control of the heat in
24 any other dwelling unit in addition to their
25 own dwelling unit, then said occupant shall comply
26 with the provisions as set forth in Section 12
27 (f) of this article.

28 SEC 14.1-16. Responsibilities of Owners.

29 (a) Prohibited Occupancy.

30 No owner shall rent, lease or permit the subletting
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1 to another for occupancy any vacant or vacated dwelling
2 or dwelling unit which does not comply with the provisions
3 of this Standard, unless permission for such occupancy
4 has been granted by the Enforcement Authority. Such
5 permission shall not be unreasonably withheld by the
6 Enforcement Authority.

7 (b) Sanitary Maintenance.

8 Every owner of a dwelling containing two (2) or more
9 dwelling units shall be responsible for maintaining
10 in a clean and sanitary condition the shared or public
11 areas of the dwelling and the premises thereof.

12 (c) Garbage, Rubbish and Ashes.

13 For every dwelling containing three (3) or more dwelling
14 units, the owner shall provide in a location accessible
15 to all dwelling units, an adequate number of receptacles
16 into which garbage, rubbish and ashes from the dwelling
17 unit receptacles may be emptied for storage between
18 the days of collection.

19 (d) Heat.

20 If the heating facilities of any dwelling or dwelling
21 unit are not under the control of the occupant thereof,
22 and except as otherwise provided below in this article,
23 it is the responsibility of the owner, operator, or
24 agent in charge to operate the heating facilities,
25 during the period between October 1 to May 1, and
26 to maintain an inside temperature as required in Section
27 12(f) of this article.

28 (e) Ratproofing and Pest Extermination.

29 Every owner shall be responsible for the eradication
30 of any insects, rats or other pests in dwellings contain-
31 ing two or more dwelling units and in the shared or
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1 units shall be ratproofed and maintained in a ratproof
2 condition by the owner or his/her agent. Such rat-
3 proofing and pest extermination shall include, but
4 is not limited to the following:

5 (1) prevention of entrance by blocking off or
6 stopping up all passages by which rats may secure
7 entry from the exterior with rat impervious material;

8 (2) prevention of interior infestation by rat
9 stoppage, harborage removal, the paving of basements,
10 cellars and any other areas which are in contact
11 with the soil, and such cleanliness as may be
12 necessary to eliminate rat breeding places.

13 (f) Posting of Identification -- Owner or Agent.

14 In any multiple dwelling containing three or more
15 dwelling units in which the owner does not reside,
16 the name, address and telephone number of the owner
17 or his/her agent or other responsible person, if any,
18 shall be posted in a public or prominent place on
19 the premises, and the information thereon shall be
20 legible, accurate, and kept up to date. In any single-
21 family and two-family dwelling in which the owner
22 does not reside, the information required herein shall
23 either be posted as aforesaid or supplied in writing
24 to the occupants of the dwelling. A post office box
25 number shall be unacceptable for the address required
26 by this section.

27 (g) Written Agreement.

28 The Enforcement Authority shall honor written agreements
29 between owners and occupants with respect to allocation of
30 responsibility for repair and maintenance of the premise.
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Division 3. Rooming Houses

Sec. 14.1-17 Rooming House, Rooming Units, Dormitories, Dormitory Room.

No person shall operate a rooming house or dormitory, or shall occupy or let to another for occupancy any dormitory room and/or rooming unit in any rooming house or dormitory, which is not in compliance with the appropriate provisions of every section of this ordinance.

SEC 14.1-18. Sanitation and Cleanliness.

The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

SEC 14.1-19. Violations and Notice.

Whenever upon inspection of any rooming house, the enforcement officer finds that conditions or practices exist which are in violation of any provision of this ordinance, the enforcement officer shall give notice in writing that unless such conditions or practices are corrected within a reasonable period, to be determined by the Enforcement Authority, the operation of such premises as such rooming house shall be discontinued, and, if such rooming house operation is licensed by any duly constituted governmental agency, a recommendation that such license be revoked, for the protection of public health, shall be given to such licensing governmental

1 of public health, shall be given to such licensing governmental
2 body or agency by the Enforcement Authority. At the end
3 of such period the Enforcement Authority shall reinspect
4 such rooming house, and if he/she finds that such conditions
5 or practices have not been corrected, he/she shall give
6 notice in writing to the operator that such operations
7 shall cease, and, if such rooming house operation is licensed
8 by any duly constituted governmental agency, the Enforcement
9 Authority shall recommend the immediate revocation of such
10 license by such issuing agency. Upon receipt of such notice
11 from the Enforcement Authority, such operator shall immediately
12 cease operation of such rooming house, and no person shall
13 occupy, for sleeping or living purposes, any rooming unit
14 therein.

15 SEC 14.1-20. Standards and Minimum Requirements.

16 No person shall operate a rooming house or dormitory, or
17 shall occupy or let to another for occupancy any dormitory
18 room and/or rooming unit in any rooming house or dormitory,
19 which does not comply with the following standards and
20 minimum requirements.

21 (a) Water Closet.

22 At least one (1) flush water closet, lavatory basin
23 and bathtub or shower, properly connected to a water
24 and sewer system approved by the Enforcement Authority
25 and in good working condition, shall be supplied for
26 each six (6) persons or fraction thereof residing
27 within a rooming house, including members of the operator's
28 family wherever they share the use of the said facilities,
29 provided:

- 30 (1) That in a rooming house where rooms are let
31
32

only to males, flush urinals may be substituted for not more than one-half the required number of water closets and provided that there shall be at least one water closet.

(2) That all such facilities shall be so located within the dwelling as to be reasonably accessible to all persons sharing such facilities and from a common hall or passageway and provided that such facilities are not located more than one floor above or below the rooming unit or units served.

(3) That every lavatory basin and bathtub or shower shall be supplied with hot and cold water under pressure at all times.

(4) That, if the rooming house has only one bathroom for use by the occupants of the rooming units, said bathroom shall not be located below grade.

(b) Cooking Facilities.

The following provision shall apply in all rooming houses and dormitories concerning cooking facilities and food service:

(1) Cooking in dormitory rooms and rooming units is prohibited.

(2) All food service and dining facilities provided in a rooming house or dormitory for the occupants of same shall comply with applicable food service legislation.

(c) Access Doors.

Access doors to rooming units and dormitory rooms, shall have operating locks to insure privacy.

(d) Supplied Linen.

1 Unless exempted by the Enforcement Authority in writing,
2 the operator of every rooming house shall change supplied
3 bed linen and towels therein at least once a week,
4 and prior to the letting of any room to any occupant,
5 and the operator shall be responsible for the maintenance
6 of all supplied bedding in a clean and sanitary manner.

7 (e) Habitable Room.

8 Every rooming unit shall comply with all requirements
9 of this ordinance pertaining to a habitable room.

10 (f) Occupancy.

11 Every rooming unit occupied by one (1) person shall
12 contain at least eighty (80) square feet of floor
13 space and every rooming unit occupied by more than
14 one person shall contain at least sixty (60) square
15 feet for each occupant thereof.

16 (g) Egress.

17 Every rooming unit shall have immediate access to
18 two (2) or more approved means of egress, with minimum
19 head room of six (6) feet and six (6) inches, appropriately
20 marked, leading to a safe and open space at ground
21 level or as required by the appropriate statutes,
22 ordinances, and regulations of the City of Fort Wayne
23 and the State of Indiana.

24 (h) Handrails and Guardrails.

25 All buildings containing rooming units, dormitories
26 or dormitory units, shall comply with all requirements
27 of this ordinance pertaining to handrails and guardrails.

28 (i) Separation of Rooming Units.

29 Access to or egress from each rooming unit shall be
30 provided without passing through any other rooming
31 unit.

(j) Application of Section to Motels and Hotels.

Every provision of this division which applies to rooming houses shall also apply to motels, motor lodges, and hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

Article IV. Unfit Dwelling and Building

SEC 14.1-21. In General.

These provisions shall apply to any building, dwelling or structure that is declared by the Enforcement Authority as unsafe and unfit for human occupancy pursuant to Sec 14.1-5 or Sec 14.1-8. The designation of dwellings as unfit for human occupancy and the procedure for the condemning and placarding of such unfit dwellings, and maintenance of all vacant buildings shall be carried out in compliance with the following requirements of this article.

SEC 14.1-22. Unfit for Human Occupancy.

Any building, dwelling, dwelling unit, rooming house, rooming unit shall be declared by the Enforcement Authority unfit for human occupancy when the following conditions exist:

(a) conditions of damage, decay, dilapidation, obsolescence, abandonment, insanitation, or vermin or rodent infestation which constitute a serious hazard to the health or safety of occupants or the public;

(b) the lack of required sanitation, illumination, ventilation, heating, electrical, plumbing or other facilities and systems adequate to protect the health

1 and safety as to create a serious hazard to the occupants
2 or the public;

3 (c) conditions or defects described in Sec 14.1-6.

4 SEC 14.1-23. Order to Vacate Placard.

5 Whenever a building, dwelling, dwelling unit, rooming house,
6 or rooming unit is declared by the Enforcement Authority
7 as unsafe or unfit for human occupancy the enforcement
8 authority may post an Order to Vacate placard requiring
9 such building to be vacated and to remain vacated. Such
10 placard shall be authorized and signed by the Administrator
11 of the Department. It shall contain the address and phone
12 number of the Department and the date by which the occupants
13 shall vacate the building, dwelling, or dwelling unit or
14 portion thereof. The Enforcement Authority may issue an
15 Order to Vacate pursuant to I.C. 36-7-9-5 or 36-7-9-17
16 if the owner or occupant fails to vacate the unsafe premise.
17

18 SEC 14.1-24. Time Allowed to Vacate.

19 Any building, dwelling, or dwelling unit condemned as unfit
20 for human occupation, and so designated and placarded by
21 the Enforcement Authority shall be vacated within not less
22 than twenty-four (24) hours or more than thirty (30) days
23 as ordered by the Enforcement Authority.
24

25 SEC 14.1-25. Unlawful to Remove Placard.

26 It shall be unlawful for any person to deface, remove or
27 alter any notice or placard from any structure or dwelling
28 which has been placarded under this ordinance except by
29 the express written permission of the Enforcement Authority.
30
31
32

SEC 14.1-26. Reoccupancy of a Vacated Dwelling.

No building or dwelling unit which has been placarded as unfit for human occupancy shall again be used for human occupancy until written approval is secured from and such placard is removed by the Enforcement Authority. The Enforcement Authority shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

SEC 14.1-27. Notice.

The Enforcement Authority, after posting an Order to Vacate a property, shall, in addition to I.C. 36-7-9-25, serve to the owner, agent, or person in control of such property, a written notice requiring the repair and rehabilitation and, where required, securing or the demolition and removal of a building, structure, premises, or portion thereof.

Article V. Vacant Building

SEC 14.1-28. Requirements for Vacant Buildings.

The owner of any building or structure or portion thereof that is vacant is required to secure and maintain such according to all requirements of this Chapter relative to exterior condition of the structure and its premise.

SEC 14.1-29. Boarding Specifications.

Unsecured openings in any building, dwelling, dwelling unit, or structure shall be secured with one-half inch (1/2") C.D.X. plywood to be nailed with eight (8) d. Ardox siding nails to the frame of the opening. Other boarding specifications may be approved by the Department.

Article VI. Enforcement

SEC 14.1-30. Inspection Authority.

The Enforcement Authority shall inspect all buildings, dwellings, dwelling units and accessory structures and premises based on the following provisions:

(a) The Enforcement Authority is hereby authorized and directed to make inspections to determine the condition of buildings, dwellings, dwelling units, rooming units and premises located within the City of Fort Wayne in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Enforcement Authority is hereby authorized to enter, examine and survey at all reasonable times all buildings, dwellings, dwelling units, rooming units and premises. In the event the owner or occupant of any building, dwelling, dwelling unit or rooming unit or the person in charge thereof, refuses to give the Enforcement Authority free access to such dwelling, dwelling unit or rooming unit and its premises, the Enforcement Authority may apply for an inspection warrant pursuant to I.C. 36-7-9-16.

(b) Where conditions of an area, passage of time, the nature of the building, or a need to conduct a periodic, area-wide inspection exists, and where a showing of such is made by affidavit, an inspection warrant shall be issued by a court of record in Allen County directing the inspection of the property concerned.

(c) The Enforcement Authority is authorized in order to protect the life, health and safety of persons

1 to protect the life, health and safety of persons
2 or property to take emergency action and recover costs.

3 (d) The Enforcement Authority is authorized and directed
4 to proceed with a full inspection of any structure
5 that is deemed to be a public nuisance by the fact
6 that it is unsealed, unsecured, and vacant.

7 SEC 14.1-31. Notices; Hearing.

8 (a) Whenever the Enforcement Authority determines
9 there are reasonable grounds to believe that there
10 has been a violation of any provision of this ordinance,
11 it may serve notice of such alledged violation to
12 the person or persons responsible therefore. The
13 Enforcement Authority is not required to serve a notice
14 prior to an Order pursuant to I.C.36-7-9-5.

15 (b) Any person affected by any notice of any provi-
16 sion of this ordinance may request and shall be granted
17 a hearing on the matter before the Enforcement Authority,
18 provided, that such person shall file in the office
19 of the Enforcement Authority a written petition requesting
20 such hearing and setting fourth a brief statement
21 of the ground therefore within ten (10) days after
22 the day the notice was served. Upon receipt of such
23 petition the Enforcement Authority shall set a time
24 and place for such hearing and shall give the petitioner
25 written notice thereof. At such hearing the petitioner
26 shall be given an opportunity to be heard and to show
27 why such notice should be modified or withdrawn.
28 The hearing shall be commenced not later than ten
29 days after the day on which the petition was filed;
30 provided, that upon application of the petitioner
31

1 the Enforcement Authority may postpone the date of
2 the hearing for a reasonable time beyond such ten
3 (10) day period, if in its judgment the petitioner
4 has submitted a good and sufficient reason for such
5 postponement.

6 SEC 14.1-32. Violations and Penalties.

7 Any violation of I.C. 36-7-9-28 or any provision of this
8 ordinance shall upon conviction by the court be punished
9 by a fine not to exceed five hundred dollars (\$500) per
10 violation. Each and every day on which the condition exists
11 shall constitute a separate and distinct violation. All
12 fines and costs recovered by the City pursuant to this
13 ordinance shall be placed in the Unsafe Building Fund.

14
15 Article VII. Safe Housing and Building Advisory Commission

16
17 Sec 14.1-33. Establishment and Composition.

18 There is hereby created and established by the City the
19 Safe Housing and Building Advisory Commission consisting
20 of five (5) members. The Mayor of the City shall appoint
21 the four members as follows: One member selected from
22 the Fort Wayne Fire Department; and Three citizen members
23 with expressed knowledge and interest in the building and
24 housing trades. The Common Council shall select one member
25 with expressed knowledge and interest in the building and
26 housing trade.

27
28 Sec 14.1-34 Appointment, Term, Etc., of Members

29 1. The Commission shall be appointed:

30 (a) within thirty (30) days following the passage
31
32

of this Ordinance. Subsequent to this initial appointment; members shall be appointed on January 1 of each year beginning in 1987.

(b) to serve a three (3) year term, terms to be staggered. No limit shall be set on numbers of terms a Commission member can serve, all members to serve without compensation.

(c) at the outset by the Mayor: one person to service one (1) year; one (1) person to serve two (2) years; and two (2) persons to serve three (3) years. The Common Councilperson shall serve two (2) years.

2. Organizational Meeting.

(a) The first meeting of the Commission shall be convened by the Administrator of the Department.

(b) The Commission shall elect a chairperson and secretary from among its members.

(c) The secretary shall be charged with the duty of keeping and maintaining the necessary minutes and other records.

(d) In the absence of the chairperson at a meeting the secretary shall chair the meeting.

3. Meetings, Rules and Regulations.

The Commission shall meet at the request of the Department at least two (2) times a year or upon special call by the chairperson; or upon the written request to the chairperson by any three (3) members.

4. Quorum.

Three (3) members of the Commission shall constitute a quorum to do business.

5. Vacancies.

In the case of a vacancy in office due to death, resigna-

1 tion, incapacity, removal or otherwise; the appointment
2 to fill the vacancy so occurring shall be made by
3 the Mayor for the unexpired term only. In case of
4 vacancy of the member appointed by the City Council,
5 the Council shall fill the vacancy for the unexpired
6 term only.

7
8 **Sec 14.1-35. Duties.**

9 The Commission shall (a) adopt a schedule setting forth
10 the maximum amount of performance bonds applicable to various
11 types of orders pursuant to I.C. 36-7-9-7(f), and (b) determine
12 the amount of the average processing expense pursuant to
13 I.C. 36-7-9-12.

14 **SECTION 3. Severability.**

15 Should any section, paragraph, sentence, clause or phrase
16 of this ordinance be declared unconstitutional or invalid
17 for any reasons, the remainder of said ordinance shall
18 be not affected thereby.

19
20 **SECTION 4. Conflict of Ordinances.**

21 In any case where a provision of this ordinance is found
22 to be in conflict with a provision of any ordinance or
23 standard of the City of Fort Wayne, the provision which
24 establishes the higher standard for the promotion and
25 protection of the health and safety of the people shall
26
27 prevail. If any provisions of this ordinance are in conflict
28 with state law, the state law prevails.
29
30
31
32

SECTION 5. Pending Actions.

This Chapter shall not be construed or held to repeal any former ordinance as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred or any right accrued or claim arising under the former ordinance.

SECTION 6.

This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.



COUNCILPERSON

APPROVED AS TO FORM AND LEGALITY.



Bruce O. Boxberger, City Attorney

Dated this 22nd day of October, 1985.



The City of Fort Wayne

October 25, 1985

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of
October 30, 1985, in both the News Sentinel and Journal
Gazette.

RE: Notice for Common Council
of Fort Wayne, IN

Notice of Public Hearing
Bill No. G-85-10-44
Bill No. S-85-10-33

Please send us 4 copies of the Publisher's Affidavit from
both newspapers.

• Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

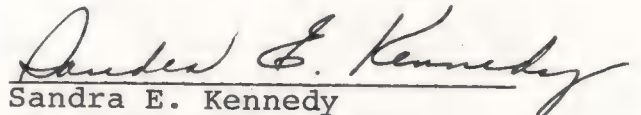
SEK/ne
ENCL: 2

FORT WAYNE COMMON COUNCIL

NOTICE OF PUBLIC HEARING

BILL NO. G-85-10-44

Notice is hereby given that on Tuesday, November 5, 1985, at 7:00 P.M. o'clock, Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, will hold a public hearing on BILL NO. G-85-10-44 -- AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana; by adopting I.C. 36-7-9-1 et seq. dealing with the enforcement of unsafe building standards; by adopting safe housing standards; by creating a Safe Housing and Building Advisory Commission; by repealing a previous ordinance and adopting certain additional provisions.


Sandra E. Kennedy
City Clerk of the City
of Fort Wayne, Indiana

Fort Wayne Common Council
(Governmental Unit)
Allen
County, IN

To JOURNAL-GAZETTE
P.O. BOX 100
FORT WAYNE, INDIANA

Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	3
Body	number of lines	12
Tail	number of lines	3
Total number of lines in notice		18

COMPUTATION OF CHARGES

18 lines, 1 columns wide equals 18 equivalent lines at .300¢ \$ 5.40
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00

TOTAL AMOUNT OF CLAIM \$ 6.40

DATA FOR COMPUTING COST

Width of single column 12.5 picas Size of type 6 point

Number of insertions 1 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Oct. 30 19 85

Drusilla Roose
CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows: 10/30/85

Subscribed and sworn to me before this 30th day of October 1985
Anne M. Perkins
Notary Public

My commission expires November 29, 1985

FORT WAYNE COMMON COUNCIL
NOTICE OF PUBLIC HEARING
BILL NO. G-85-10-44

Notice is hereby given that on Tuesday, November 5, 1985, at 7:00 P.M. o'clock, Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, will hold a public hearing on BILL NO. G-85-10-44 - AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana; by adopting I.C. 36-7-9-1 et seq. dealing with the enforcement of unsafe building standards; by adopting safe housing standards; by creating a Safe Housing and Building Advisory Commission; by repealing a previous ordinance and adopting certain additional provisions.

Sandra E. Kennedy
City Clerk of the City
of Fort Wayne, Indiana

10--30

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines 3

Body number of lines 12

Tail number of lines 3

Total number of lines in notice 18

COMPUTATION OF CHARGES

18 lines, 1 columns wide equals 18 equivalent lines at .300¢ \$ 5.40

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00

TOTAL AMOUNT OF CLAIM \$ 6.40

DATA FOR COMPUTING COST

Width of single column 12.5 picas Size of type 6 point

Number of insertions 1 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Oct. 30, 19 85

Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows: 10/30/85

Subscribed and sworn to me before this 30th day of October 19 85

Anne M. Perkins Notary Public

My commission expires November 29, 1985

FORT WAYNE COMMON COUNCIL
NOTICE OF PUBLIC HEARING
BILL NO. G-85-10-44

Notice is hereby given that on Tuesday, November 5, 1985, at 7:00 P.M. o'clock, Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, will hold a public hearing on BILL NO. G-85-10-44 - AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana; by adopting I.C. 36-7-9-1 et seq. dealing with the enforcement of unsafe building standards; by adopting safe housing standards; by creating a Safe Housing and Building Advisory Commission; by repealing a previous ordinance and adopting certain additional provisions.

Sandra E. Kennedy
City Clerk of the City
of Fort Wayne, Indiana

10--30

Fort Wayne Common Council
(Governmental Unit)
Allen
County, IN

To JOURNAL-GAZETTE
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER’S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines		
Head	number of lines	1
Body	number of lines	1526
Tail	number of lines	2
Total number of lines in notice		1529

COMPUTATION OF CHARGES

1529	lines,	1	columns wide equals	1529	equivalent lines at	.450¢	\$ 688.05
		cents per line					
Additional charge for notices containing rule or tabular work (50 per cent of above amount)							
Charge for extra proofs of publication (50 cents for each proof in excess of two)					2 extra		1.00
TOTAL AMOUNT OF CLAIM							\$ 689.05

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type	6	point
Number of insertions	2	Size of quad upon which type is cast	6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Jan. 13, 1986

Drusilla Roose

Title CLERK

FORM #904

PUBLISHER’S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

1/6 - 1/13/86

Subscribed and sworn to me before this 13th day of January 19 86

Anne M. Perkins
Anne M. Perkins Notary Public

My commission expires November 29, 1989

ATTACH COPY OF
ADVERTISEMENT HERE

(h) Egress.
Every dwelling, dwelling unit and rooming house shall have safe unobstructed means of egress leading to safe and open space at ground level.

7. Unoccupied. No longer adequate for the purpose or use for which it was originally intended.

8. Dwelling. A structure, partly or wholly, intended or being used for residential purposes.

A. Single Family Dwelling. A building containing one dwelling unit.

B. Multi-Family Dwelling. A building or portion thereof containing two or more dwelling units.

9. Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

10. Egress. An arrangement of exit facilities to assure a safe means of exit from a building to ground level.

11. Enforcement Authority. Department of Safe Housing and Building Standards of the City of Fort Wayne.

12. Enforcement Officer. The official designated herein or otherwise charged with the responsibilities of administering this ordinance.

13. Extermination. The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible, materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

14. Family. One individual living alone, or two or more individuals living together whether related by birth or not and having common housekeeping facilities. (See also Household).

15. Floor Area. The area included within the surrounding walls of a structure exclusive of vents, shafts, and courts.

16. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food.

17. Guest. An individual who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.

18. Habitable Space. Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

19. Household. One or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities. (See also Family).

20. Infestation. The presence, within or contiguous to a structure or premises, of insects, rats, vermin, or other pests.

21. Lead-Based Paint. Any paint containing more lead than the level established by the U.S. Consumer Product Safety Commission as being the "safe" level of lead in residential paint and paint products. The current level is 0.5 percent.

22. Let for Occupancy or Let. To permit possession or occupancy of a dwelling, or dwelling unit, by a person who shall be the legal owner of record or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or licensee, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

23. Occupant. Any individual, over one (1) year of age, living, sleeping, cooking, or eating in or having possession of a dwelling unit; except that in dwelling units a guest shall not be considered an occupant.

24. Operator. Any person who has charge, care or control of a structure or premises, which are let or offered for occupancy.

25. Owner. See "Substantial Property Interest".

26. Permissible Occupancy. Shall mean the maximum number of individuals permitted to reside in a dwelling or dwelling unit.

27. Person. Any individual, firm, corporation, association, partnership, cooperative, or governmental agency.

28. Plumbing. The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances used for, or intended to be used for the transfer of water or liquid waste.

29. Plumbing Fixture. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the draining system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

30. Premises. A lot, plot, or parcel of land including the building or structures thereon.

31. Properly Connected. Connected in accordance with all applicable codes and ordinances of the City of Fort Wayne from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any existing connection in good working order and not constituting a hazard to health, safety, or deterioration of property.

32. Public Nuisance. Includes the following:

a. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or the required precautions against trespassers have not been provided; or

b. Any premises from which the plumbing, heating, electrical and/or facilities required by this ordinance have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective; or

c. Any structure or building that is in a state of delapidation, deterioration or decay; faulty construction; overcrowded; (See 14.1-14) open, vacant or abandoned; damaged by fire to the extent not to provide shelter; in danger of collapse or failure and dangerous to persons on or near the premises; or

adopted in their entirety, incorporated by reference and made a part hereof as if copied verbatim. These provisions are further supplemented by the provisions of this ordinance. All proceedings within the City of Fort Wayne for the inspection, repair and removal of unsafe buildings shall be governed by I.C. 36-7-9-1 through I.C. 36-7-9-28 and by the provisions of this ordinance and any other applicable City ordinance.

SEC. 14.1-6. Unsafe Buildings and Unsafe Premises.

The description of an unsafe building contained in I.C. 36-7-9-4 is hereby supplemented to provide minimum standards for building conditions or maintenance in the City of Fort Wayne, Indiana, by adding the following. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or it not so arranged as to provide safe and adequate means of exit in case of fire or panic; or

2. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress of stresses approved for new buildings or similar structure, purpose, or location; or

3. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the approved minimum requirements for new buildings of similar structure, purpose, or location; or

4. Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property; or

5. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses approved for such buildings; or

6. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is approved in the case of similar new construction; or

7. Whenever the building or structure, or any portion thereof, because of (a) delapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay, or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse; or

8. Whenever the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used; or

9. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the footer; This item shall not be the sole criteria for evaluating non-inhabited accessory structures, or

10. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings; or

11. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood as to become so dilapidated or deteriorated as to become (a) an attractive nuisance to children, or (b), freely accessible to persons for the purpose of committing unlawful acts; or

12. Whenever any building or structure that has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the Building Department of Allen County, or of any law or ordinance of this state or City relating to the condition, location, or structure of buildings; or

13. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than sixty-six percent of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics approved by law in the case of a newly-constructed building of like area, height, and occupancy in the same location; or

14. Whenever a building or structure, used or intended to be used for residential or non-residential purposes because of inadequate maintenance, delapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise is determined by the Enforcement Authority to be unfit for human occupancy, to be insanitary, or in such a condition that it is likely to cause sickness or disease; or

15. Whenever any building or structure, because of obsolescence, delapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connection, or heating apparatus, or other cause, is determined by the Enforcement Authority to be a fire hazard; or

16. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the

Wayne Fire Protection Code, Chapter 12.

(k) Garbage and Rubbish.

Every dwelling unit shall have garbage and rubbish storage containers sufficient to meet the needs of the occupants. Each container shall be watertight, constructed of metal or other durable material impervious to rodents, and maintained in a sanitary condition.

SEC. 14.1-12. Minimum Standards for Light, Ventilation, Heating, and Electrical Service.

No person shall occupy, or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

(a) Light.

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten per cent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstructing structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included in contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen per cent of the total floor area of such room.

(1) Artificial Light.

The Enforcement Authority may approve such other devices or arrangements as will adequately light a habitable room, where provision for a window or windows is not possible.

(2) Lighting of Halls and Stairs.

Every public hall and stairway in every multiple dwelling containing four or more dwelling units shall be lighted at all times with natural or artificial light equal to the illumination of one 60 watt bulb. Every public hall and stairway in structures devoted solely to a dwelling occupancy and containing not more than three dwelling units shall be supplied with conveniently located light switches, controlling a lighting system which may be turned on when needed, instead of full time lighting.

(b) Ventilation.

Every habitable room shall have at least one window or skylight which can easily be opened or such other device as will ventilate the room. The total of operable window area in every habitable room shall be equal to at least forty-five per cent of the minimum window size or minimum skylight type window size, as required in subsection (a) of this section, except where there is supplied some other device affording ventilation and approved by the Enforcement Authority.

(1) Bathroom, Kitchen, Water Closet Ventilation.

Every bathroom, kitchen, and water closet compartment shall comply with the light and ventilation requirement for habitable rooms contained in subsections (a) and (b) of this section, except that no window or skylight shall be required in ventilated bathrooms, kitchens, and water closet compartments equipped with a mechanical ventilation system which is in good operating condition.

(2) Mechanical Ventilation.

The Enforcement Authority may approve such other devices or arrangements as will adequately ventilate a habitable room, where provision for a window or windows is not possible.

(c) Locking Window Hardware.

Every window accessible within twelve (12) feet of the adjacent ground shall be supplied with an adequate locking device.

(d) Screens.

The owner of a dwelling unit shall be responsible for providing and hanging all screens whenever the same are required under the provisions of this ordinance except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance or replacement of screens once installed in any one (1) season becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling.

(1) Screens shall be required during May 1st through October 1st to provide protection against mosquitoes, flies, bats, and other insects.

(2) Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens.

(3) Screens shall not be required during such period in rooms located four (4) stories or higher.

(4) Every basement or cellar window and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

(e) Electrical Service.

Every dwelling unit and all public and common areas shall be supplied with adequate electric service, outlets and fixtures which shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a manner prescribed by the Indiana Electrical Rules, 1981 edition.

(1) Electrical Outlets.

(a) Every habitable room shall contain at least two (2) separate duplex convenience outlets. Outlets shall be so located as to reasonably provide service to appliances in different parts of the room. Duplex convenience outlets as herein provided, which may be lacking in owner occupied single family dwellings otherwise meeting the provisions of this Standard shall be installed no later than one year from the passage of this ordinance.

(1) (a) A ceiling fixture may be substituted for one of the required duplex outlets in each habitable room, except the kitchen, living room, and family room.

(b) Each bathroom shall have one (1) convenience

approved materials to prevent contact with wiring or animals with the body or splashing water.

2) Electrical Fixtures.
At least one (1) supplied ceiling or wall-type electric light fixture shall be provided in every toilet room, bathroom, laundry room, furnace room, public hall, basement, or any other area in which artificial light is required for the safety and welfare of the occupants.

(f) Heating Facilities.
Every dwelling shall have central heating facilities which are properly installed, which are maintained in a safe and good working condition and which are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit to a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance three feet above floor level, at an outside temperature of zero (0) degrees Fahrenheit. No habitable room, dwelling or dwelling unit shall contain any flame-producing device or appliance for the purpose of providing the required heat in such space or areas unless such device or appliance shall be provided with a permanent, proper and safe means for supplying of combustion air and for the venting of the outdoors of all products of combustion. The Enforcement Authority may approve the use of vented space heaters operated and maintained according to Underwriters Laboratory standards or other approved standards of operation specified for such units.

(g) Space Heating Units. No space heater unit shall be used as the primary source for the required heat to a habitable room.

SEC. 14.1-13. Minimum Standards Relating to Safety and Sanitary Maintenance.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

(A) Sanitary Maintenance.
A clean and sanitary condition shall include but is not limited to the following standards:

(1) floors, floor coverings and other walking places shall be free of filth, garbage, human and animal wastes, litter, refuse and any other insanitary matter; (2) walls, ceilings, windows and doorways shall be free of dirt, greasy film, soot and any other insanitary matter; (3) water closets, lavatories, and sinks shall be kept in a clean and sanitary condition; and no material shall be deposited in any such fixture which may result in the obstruction of such fixture or of any connected plumbing lines.

(B) Standards for Good Repair and Safe Condition.

Every building and all parts thereof intended for use as a residential dwelling and premise, shall while in use at any time when the lack of maintenance affects neighboring property, be kept in good repair and in safe condition. Good repair and safe condition shall include but is not limited to the following minimum standards:

(1) Exterior Standards.

(a) Roofing shall be provided and maintained to prevent the entrance of moisture. All roofing, sheathing and structural components shall be maintained to render each structurally sound.

(b) Existing gutters, leaders, and downspouts shall:

(1) be maintained in operable conditions on all buildings

(2) be disconnected from the sanitary sewer system when inspected and advised by the City of Fort Wayne Water Pollution Control Engineering Department.

(c) Every foundation, wall, floor, ceiling, window, door, and hatchway shall be structurally sound and be maintained so as to be weathertight, watertight, and rodent proof.

(d) Every exterior and interior stair, every porch and entrance shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon.

(1) All exterior and interior steps and stairways shall be maintained so as not to have any broken, warped or loose treads and risers.

(2) Every exterior and interior flight of stairs adjacent to a wall and more than four (4) risers high shall have handrails having minimum and maximum heights of thirty (30) inches and thirty-four (34) inches respectively, measured vertically from the nosing of the treads on at least one side of the stairway.

(3) Every balcony, raised floor surface, or porch elevated more than thirty (30) inches above the floor or grade below shall have guardrails not less than thirty-six (36) inches in height.

(4) Handrails and guardrails shall have intermediate rails or ornamental closures which will not allow passage of an object six (6) inches or more in diameter.

(e) All chimneys, flues, smoke pipes or similar devices shall be:

(1) structurally sound

(2) maintained in good repair.

(f) Any piece, part or attachment of the structure which is so insecurely fixed as to be in danger of falling or being dislodged by the elements so that it may possibly injure any person or property shall be removed, repaired, or replaced.

(g) Exterior property areas of all premises shall be free of any object, material or condition, including abandoned or immobile motor vehicles, which may create a health, accident or fire hazard, or which is a public nuisance.

(h) All sheds, barns, garages, fences and other accessory structures on premises shall be maintained in good repair, free from health, accident, or fire hazards, or they shall be removed from the premises.

(i) Yard spaces and other open areas appurtenant to a dwelling shall be graded, paved or otherwise constructed to drain water around or away from the

required by this Standard.

(e) Egress.
The occupant of any dwelling or dwelling unit shall not obstruct in any manner any means of egress from any portion of the premises.

(f) Flammable Liquids or Gases or Combustible Materials. The occupant of any dwelling or dwelling unit shall not have or store flammable or combustible liquids or gases in an amount considered dangerous by the Fort Wayne Fire Department within the dwelling or dwelling unit.

(g) Access for Repairs.

Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his/her agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such inspection and such repairs or alterations as are necessary to effect compliance with the provisions of this Standard or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Standard.

(h) Heat.

(1) Where the heating facilities of any dwelling are under the control of the occupant thereof, it shall be the responsibility of the occupant to operate the heating facilities in order to maintain above-freezing temperature at all times in all portions of the dwelling and the premises he/she occupies and controls so as to prevent damage to water pipes and plumbing.

(2) If an occupant has control of the heat in any other dwelling unit in addition to their own dwelling unit, then said occupant shall comply with the provisions set forth in Section 12 (f) of this article.

SEC. 14.1-16. Responsibilities of Owners.

(a) Prohibited Occupancy.

No owner shall rent, lease or permit the subletting to another for occupancy any vacant or vacated dwelling or dwelling unit which does not comply with the provisions of this Standard, unless permission for such occupancy has been granted by the Enforcement Authority. Such permission shall not be unreasonably withheld by the Enforcement Authority.

(b) Sanitary Maintenance.

Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and the premises thereof.

(c) Garbage, Rubbish and Ashes.

For every dwelling containing three (3) or more dwelling units, the owner shall provide in a location accessible to all dwelling units, an adequate number of receptacles into which garbage, rubbish and ashes from the dwelling unit receptacles may be emptied for storage between the days of collection.

(d) Heat.

If the heating facilities of any dwelling or dwelling unit are not under the control of the occupant thereof, and except as otherwise provided below in this article, it is the responsibility of the owner, operator, or agent in charge to operate the heating facilities, during the period between October 1 to May 1, and to maintain an inside temperature as required in Section 12 (f) of this article.

(e) Ratproofing and Pest Extermination.

Every owner shall be responsible for the eradication of any insects, rats or other pests in dwellings containing two or more dwelling units and in the shared or public parts thereof.

(f) Posting of Identification - Owner or Agent.

In any dwelling in which the owner does not reside, the name, address and telephone number of the owner or his agent or other responsible person, if any, shall be supplied in writing to the occupants of the dwelling and/or posted in a public or prominent place on the premises and the information shall be legible, accurate, and kept up-to-date. A post office box number shall be unacceptable for the address required by this section.

(g) Written Agreement.

The Enforcement Authority shall honor written agreements between owners and occupants with respect to allocation of responsibility for repair and maintenance of the premise. The presumption is that the owner is responsible unless the owner presents to the Enforcement Authority a written agreement stating otherwise.

Division 3. Rooming Houses

SEC. 14.1-17. Rooming House, Rooming Units, Dormitories, Dormitory Room.

No person shall operate a rooming house or dormitory, or shall occupy or let to another for occupancy any dormitory room and/or rooming unit in any rooming house or dormitory, which is not in compliance with the appropriate provisions of every section of this ordinance.

SEC. 14.1-18. Sanitation and Cleanliness.

The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

SEC. 14.1-19. Violations and Notice.

Whenever upon inspection of any rooming house, the enforcement officer finds that conditions or practices exist which are in violation of any provision of this ordinance, the enforcement officer shall give notice in writing that unless such conditions or practices are corrected with a reasonable period, to be determined by the Enforcement Authority, the operation of such premises as such rooming house shall be discontinued, and, if such rooming house operation is licensed by any duly constituted governmental agency, a recommendation that such license be revoked, for the protection of public health, shall be given to such licensing governmental body or agency by the Enforcement Authority. At the end of such period the Enforcement Authority shall reinspect such rooming house, and if he/she finds that such conditions or practices have not been cor-

rected, the Enforcement Authority may issue an Order to Vacate pursuant to I.C. 36-7-9-5 or 36-7-9-17 if the owner or occupant fails to vacate the unsafe premise.

SEC. 14.1-24. Time Allowed To Vacate.

Any building, dwelling, or dwelling unit condemned as unfit for human occupancy, and so designated and placarded by the Enforcement Authority shall be vacated within not less than twenty-four (24) hours or more than thirty (30) days as ordered by the Enforcement Authority.

SEC. 14.1-25. Unlawful to Remove Placard.

It shall be unlawful for any person to deface, remove or alter any notice or placard from any structure or dwelling which has been placarded under this ordinance except by the express written permission of the Enforcement Authority.

SEC. 14.1-26. Reoccupancy of a Vacated Dwelling.

No building or dwelling unit which has been placarded as unfit for human occupancy shall again be used for human occupancy until written approval is secured from and such placard is removed by the Enforcement Authority. The Enforcement Authority shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

SEC. 14.1-27. Notice.

The Enforcement Authority, after posting an Order to Vacate a property, shall, in addition to I.C. 36-7-9-25, serve to the owner, agent, or person in control of such property, a written notice listing the violations that caused this Order to be issued and the action that this Order requires.

Article V. Vacant Building.

SEC. 14.1-28. Requirements for Vacant Buildings.

The owner of any building or structure or portion thereof that is vacant is required to secure and maintain such according to all requirements of this Chapter relative to exterior condition of the structure and its premise.

SEC. 14.1-29. Boarding Specifications.

Unsecured openings in any building, dwelling, dwelling unit, or structure shall be secured with one-half inch (1/2") C.D.X. plywood to be nailed with eight (8) d. Ardox siding nails or equal to the frame of the opening. Other boarding specifications may be approved by the Department.

Article VI. Enforcement.

SEC. 14.1-30. Inspection Authority.

The Enforcement Authority shall inspect buildings, dwellings, dwelling units and accessory structures and premises based on the following provisions:

(a) The Enforcement Authority is hereby authorized and directed to make inspections where probable cause exists or with consent of the owner, agent, or occupant to determine the condition of buildings, dwellings, dwelling units, rooming units and premises located within the City of Fort Wayne in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Enforcement Authority is hereby authorized to enter, examine and survey at all reasonable times all buildings, dwellings, dwelling units, rooming units and premises. In the event the owner or occupant of any building, dwelling, dwelling unit or rooming unit or the person in charge thereof, refuses to give the Enforcement Authority free access to such dwelling, dwelling unit or rooming unit and its premises, the Enforcement Authority may apply for an inspection warrant pursuant to I.C. 36-7-9-16.

(b) Where conditions of an area, passage of time, the nature of the building, or need to conduct a periodic, area-wide inspection exists, and where showing of such is made by affidavit, an inspection warrant shall be issued by a court of record in Allen County directing the inspection of the property concerned.

(c) The Enforcement Authority is authorized in order to protect the life, health and safety of persons or property to take emergency action and recover costs.

(d) The Enforcement Authority is authorized and directed to proceed with full inspection of any structure that is deemed to be a public nuisance by the fact that it is unsealed, unsecured, and vacant.

SEC. 14.1-31. Notices; Hearing.

(a) Whenever the Enforcement Authority determines there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, it may serve notice of such alleged violation to the person or persons responsible therefore. The Enforcement Authority is not required to serve notice prior to an Order pursuant to I.C. 36-7-9-5.

(b) Any person affected by any notice of any provision of this ordinance may request and shall be granted a hearing on the matter before the Enforcement Authority, provided, that such person shall file in the office of the Enforcement Authority a written petition requesting such hearing and setting forth a brief statement of the ground therefore within ten (10) days after the day the notice was served. Upon receipt of such petition the Enforcement Authority shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided, that upon application of the petitioner the Enforcement Authority may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if in its judgment the petitioner has submitted good and sufficient reason for such postponement.

(c) When the Enforcement Authority issues an Order to Repair, a hearing shall be conducted pursuant to I.C. 36-7-9-7.

(d) The hearing officer shall not be an employee of the City of Fort Wayne.

SEC. 14.1-32. Violations and Penalties.

Any violation of I.C. 36-7-9-28 or any provision of

institute ■ hazard to the occupants nor a harborage of insects or vermin. Split, splintered or badly worn boards shall be replaced.

(b) Doors to habitable rooms, bathrooms and toilet rooms must fit the opening in which they are hung and properly equipped with hardware.

(c) Cellars, basements, and crawl spaces shall be maintained reasonably free of dampness to prevent conditions conducive to decay or deterioration of the structure.

(d) Painting.

(1) All exterior wood and ferrous metal surface shall be protected against decay by the ■ of paint or by other preservative material.

(2) All interior loose or peeling paint shall be removed and the exposed surface shall be placed in a smooth and sanitary condition.

(3) No paint shall be used for interior painting or any other painting, dwelling unit, rooming house or rooming unit if it is lead based.

(C) Discontinuance of Utilities or Service.

(1) No owner, operator, or occupant shall cause the service, facility, or utility which is required to be supplied under this Standard to be removed from or cut off from or discontinued from any occupied dwelling or occupied by him/her except for such temporary interruption as may be necessary while making repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Enforcement Authority.

(2) Utilities or Services required under this Standard shall not be caused to be shut off to an occupied dwelling or dwelling unit by an owner, operator, or agent in order to evict the occupant from a dwelling or dwelling unit. Provided however, an owner, operator or agent may shut off utilities or services at the ■ of the owner, operator or agent has a legal right to possession of the premises. Said legal right to possession of the premises would occur at the expiration of a written notice to quit, at the time provided by contract, or at any other time the owner, operator or agent is entitled to possession of the property.

(D) Quality of Materials and Workmanship.

Material used in making any repairs shall be of quality suitable for the purpose. Such repair shall be completed in ■ workmanlike manner and according to the accepted standards and practices of the appropriate trade.

SEC. 14.1-14. Minimum Standards for Space and Occupancy.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

- (a) General Requirements.
- (1) For every dwelling unit there shall be at least one hundred fifty (150) square feet of floor area for the first occupancy and at least one hundred (100) additional square feet of floor area for each additional occupant over one year of age. The floor area shall be calculated on the basis of the total floor area of the dwelling unit exclusive of stairways. For the purpose of such calculation only the floor area in a basement meeting the requirements for basement occupancy shall be counted.
- (2) No room used for sleeping purposes shall have a floor area of less than seventy (70) square feet. No room shall be used for sleeping purposes by two or more persons unless there is at least fifty (50) square feet of floor ■ for each person twelve (12) years of age and over and at least thirty-five (35) square feet of floor ■ for each child over one year of age and less than twelve years of age.
- (3) No dwelling or dwelling unit containing two or more sleeping rooms shall have room arrangements such that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.
- (4) At least one half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet; and the floor ■ of that part of the room where the ceiling height is less than five (5) feet shall not be considered ■ part of the floor ■ in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (b) Basement Occupancy.
- No basement space shall be used ■ ■ habitable room or dwelling unit unless:
- (1) the floor and walls are impervious to leakage of groundwater and surface run-off water and the area is sealed against dampness;
- (2) the total of window area in each room is equal to at least the minimum window area sizes ■ required in Section 2 of this Division.
- (c) Prohibited Uses.
- Kitchens and non-habitable or public spaces shall not be used for sleeping purposes. No cellar space shall be used as a habitable space unless it conforms to the minimum requirements of this ordinance.
- SEC. 14.1-15. Responsibilities of Occupants.
- (a) Prohibited Occupancy.
- An occupant or tenant shall not sublet any dwelling or dwelling unit which does not comply with the provisions of this Standard. In particular, but not by way of limitation, an occupant shall not permit any portion of a dwelling or dwelling unit to be occupied in violation of the standards and requirements for light, ventilation and occupancy as provided in this standard.
- (b) Sanitary Maintenance.
- Every occupant of ■ dwelling or dwelling unit shall keep in ■ clean and sanitary condition that part of the dwelling or dwelling unit and the premises thereof which he/she occupies or controls.
- (c) Pest Extermination.

occupancy for sleeping purposes and rooming unit therein.

SEC. 14.1-20. Standards and Minimum Requirements.

No person shall operate ■ rooming house or dormitory, or shall occupy or let to another for occupancy any dormitory room and/or rooming unit in any rooming house or dormitory, which does not comply with the following standards and minimum requirements:

Water Closet.

(a) At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Enforcement Authority and in good working condition, shall be supplied for each six (6) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities, provided:

(1) That in ■ rooming house where rooms ■ let only to males, flush urinals may be substituted for not more than one-half the required number of water closets and provided that there shall be at least one water closet.

(2) That all such facilities shall be so located within the dwelling as to be reasonably accessible to all persons sharing such facilities and from ■ common hall or passageway and provided that such facilities are not located more than one floor above or below the rooming unit or units served.

(3) That every lavatory basin and bathtub or shower shall be supplied with hot and cold water under pressure at all times.

(4) That, if the rooming house has only one bathroom for use by the occupants of the rooming units, said bathroom shall not be located below grade.

Cooking Facilities.

(b) The following provision shall apply in all rooming houses and dormitories concerning cooking facilities and food service:

(1) Cooking in dormitory rooms and rooming units is prohibited.

(2) All food service and dining facilities provided in a rooming house or dormitory for the occupants of same shall comply with applicable food service legislation.

Access Doors.

(c) Access doors to rooming units and dormitory rooms, shall have operating locks to insure privacy.

(d) Supplied Linen.

Unless exempted by the Enforcement Authority in writing, the operator of every rooming house shall change supplied bed linen and towels therein at least once ■ week, and prior to the letting of any room to any occupant, and the operator shall be responsible for the maintenance of all supplied bedding in ■ clean and sanitary manner.

(e) Habitable Room.

Every rooming unit shall comply with all requirements of this ordinance pertaining to a habitable room.

(f) Occupancy.

Every rooming unit occupied by one (1) person shall contain at least eighty (80) square feet of floor space and every rooming unit occupied by more than one person shall contain at least sixty (60) square feet for each occupant thereof.

(g) Egress.

Every rooming unit shall have immediate access to two (2) or more approved means of egress, with minimum head room of six (6) feet and six (6) inches, appropriately marked, leading to a safe and open space at ground level, or ■ required by the appropriate statutes, ordinances, and regulations of the City of Fort Wayne and the State of Indiana.

(h) Handrails and Guardrails.

All buildings containing rooming units, dormitories or dormitory units, shall comply with all requirements of this ordinance pertaining to handrails and guardrails.

(i) Separation of Rooming Units.

Access to or ■ from each rooming unit shall be provided without passing through any other rooming unit.

(j) Application of Section to Motels and Hotels.

Every provision of this Division which applies to rooming houses shall also apply to motels, motor lodges, and hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

Article IV. Unfit Dwelling and Building

SEC. 14.1-21. In General.

These provisions shall apply to any building, dwelling or structure that is declared by the Enforcement Authority ■ unsafe and unfit for human occupancy. The designation of dwellings ■ unfit for human occupancy and the procedure for the condemning and placarding of such unfit dwellings, and maintenance of all vacant buildings shall be carried out in compliance with the following requirements of this Article.

SEC. 14.1-22. Unfit for Human Occupancy.

Any building, dwelling, dwelling unit, rooming house, rooming unit shall be declared by the Enforcement Authority unfit for human occupancy when the following conditions exist:

- (a) conditions of damage, decay, dilapidation, abandonment, insanitation, or vermin or rodent infestation which constitutes ■ serious hazard to the health or safety of occupants or the public;
- (b) the lack of required sanitation, illumination, ventilation, heating, electrical, plumbing or other facilities and systems adequate to protect the health and safety as to create ■ serious hazard to the occupants or the public;
- (c) conditions or defects described in SEC. 14.1-6.
- SEC. 14.1-23. Order to Vacate Placard.
- Whenever ■ building, dwelling, dwelling unit, rooming house, or rooming unit is declared by the Enforcement Authority ■ unsafe or unfit for human occupancy the Enforcement Authority may post an

the City shall appoint the following members: One member selected from the Fort Wayne Fire Department; and three citizen members with expressed knowledge and interest in the building and housing trades. The Common Council shall select one member with expressed knowledge and interest in the building and housing trade.

SEC. 14.1-34. Appointment, Term, Etc., of Members.

1. The Commission shall be appointed:
- (a) within thirty (30) days following the passage of this Ordinance. Subsequent to this initial appointment, members shall be appointed on January 1 of each year beginning in 1987.
- (b) to serve ■ three (3) year term, terms to be staggered. No limit shall be set on numbers of terms ■ Commission member can serve, all members to serve without compensation.
- (c) at the outset by the Mayor: one person to serve one (1) year; one (1) person to serve two (2) years; and two (2) persons to serve three (3) years. The Common Councilperson shall serve two (2) years.

2. Organizational Meeting.

(a) The first meeting of the Commission shall be convened by the Administrator of the Department.

(b) The Commission shall elect ■ chairperson and secretary from among its members.

(c) The secretary shall be charged with the duty of keeping and maintaining the necessary minutes and other records.

(d) In the absence of the chairperson at a meeting, the secretary shall chair the meeting.

3. Meetings, Rules and Regulations.

The Commission shall meet at the request of the Department at least two (2) times ■ year or upon special call by the chairperson; or upon the written request to the chairperson by any three (3) members.

4. Quorum.

Three (3) members of the Commission shall constitute ■ quorum to do business.

5. Vacancies.

In the case of a vacancy in office due to death, resignation, incapacity, removal or otherwise, the appointment to fill the vacancy so occurring shall be made by the Mayor for the unexpired term only. In case of vacancy of the member appointed by the City Council, the Council shall fill the vacancy for the unexpired term only.

SEC. 14.1-35. Duties.

The Commission shall (a) adopt a schedule setting forth the maximum amount of performance bonds applicable to various types of orders pursuant to I.C. 36-7-9-7 (f), and (b) determine the amount of the average processing expense pursuant to I.C. 36-7-9-12.

SECTION 3. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reasons, the remainder of said ordinance shall be not affected thereby.

SECTION 4. Conflict of Ordinances.

In any case where a provision of this ordinance ■ found to be in conflict with a provision of any ordinance or standard of the City of Fort Wayne, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. If any provisions of this ordinance are in conflict with state law, the state law prevails.

SECTION 5. Pending Actions.

This Chapter shall not be construed or held to repeal any former ordinance as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred or any right accrued or claim arising under the former ordinance.

SECTION 6.

This ordinance shall be in full force and effect from after its passage, approval by the Mayor and legal publication thereof.

Charles B. Redd
Councilmember

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

Ayres: Seven
Bradbury, Eisbart, GiaQuinta, Henry, Redd, Stier, Talarico

Nays: Two
Burns, Schmidt

DATE: 12-23-85

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, ■ General Ordinance No. G-31-85, on the 23rd day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Mark E. GiaQuinta
Presiding Officer

Presented to ■ by the Mayor of the City of Fort Wayne, Indiana, on the 30th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 30th day of December, 1985, at the hour of 4:00 o'clock P.M. E.S.T.

Win Moses, Jr.
Mayor

I, The Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is ■ full, true and complete copy of General Ordinance No. G-31-85, passed by the Common Council on the 23rd day of December, 1985, and that said Ordinance ■ duly signed and approved by the Mayor on the 30th day of December, 1985, and now remains on file and on record in my office.

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines
Head number of lines 1
Body number of lines 1526
Tail number of lines 2
Total number of lines in notice 1529

COMPUTATION OF CHARGES

1529 lines, 1 columns wide equals 1529 equivalent lines at .450¢ \$ 688.05
cents per line
Additional charge for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00
TOTAL AMOUNT OF CLAIM \$ 689.05

DATA FOR COMPUTING COST

Width of single column 12.5 picas Size of type 6 point
Number of insertions 2 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Jan. 13, 19 86

Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

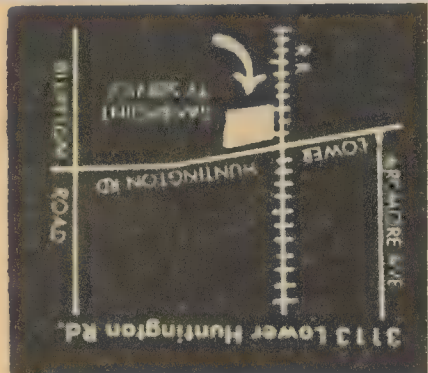
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

1/6 - 1/13/86

Subscribed and sworn to before this 13th day of January, 19 86
Anne M. Perkins
Notary Public

My commission expires November 29, 1989

ATTACH COPY OF
ADVERTISEMENT HERE



**SELL
HILAR SAVINGS.**

REG. \$2,700.00



98⁰⁰

**DAY
Control
Ready**

LEGAL NOTICE

Notice is hereby given that the day of December, 1985, the Common Council of the City of Fort Wayne, Indiana, in a Special Session shall pass the following Bill No. G-85-10-44 (as amended) (as amended) (as amended). General Ordinance No. G-31-85 to wit:

BILL NO. G-85-10-44

ORDINANCE NO. G-31-85

As amended amended
amended amended

AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana; by adopting I.C. 36-7-9-1 et seq. dealing with the enforcement of unsafe building standards; by adopting safe housing standards; by creating Safe Housing and Building Advisory Commission; by repealing previous ordinance and adopting certain additional provisions.

WHEREAS, it is necessary for the City of Fort Wayne, Indiana, to have updated Unsafe Building Standard; and

WHEREAS, it is in the best interests of the City of Fort Wayne, Indiana, to adopt new Safe Housing Standards to protect public health, safety and general welfare; and

WHEREAS, said new Standards specifically insure that no residential commercial buildings within the City of Fort Wayne will endanger the life, health, property and safety of the public or its occupants; and

WHEREAS, said new Standards specifically intended to insure that all buildings, dwellings, dwelling units, and accessory structures safe, sanitary and fit for human occupancy; and to provide for the correction, repair or removal of substandard structures.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Repeal.

General Ordinance G-14-74, relating to buildings and premises, is hereby repealed. Chapter 14, Article IV, Sections 14-23 through 14-80 of the Municipal Code of the City of Fort Wayne, Indiana is repealed.

SECTION 2. Amendment.

The Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by adding new Chapter 14.1, entitled "Enforcement of Safe Housing and Building Standards," which chapter consists of the following sections:

Article I. General

SEC 14.1-1. Definitions. For the purposes of this ordinance the following definition(s) shall apply.

a. Terms Identified.

1. Accessory Structure. A detached building structure in secondary or subordinate capacity from the main principal structure on the same premises.

2. Approved. Shall be approved by the Enforcement Authority under provisions of this ordinance, or approved by other appropriate authority designated by law to give approval in the question.

3. Basement. The lowest story of a building the just below the main floor.

4. Cellar. That portion of a building located partly or completely below grade, having at least one-half of its walls below grade and used for storage.

which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats climbing, burrowing or other methods, by the use of materials impervious to rats and other methods approved by the Board of Health.

35. Refuse. Shall be putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, and animals.

36. Refuse Container. Shall be a watertight container is constructed of metal or other durable material such as vinyl plastic that is capable of being used without creating insanitary conditions.

37. Required. Required by provisions of this ordinance.

38. Rooming House. Any dwelling, or that part of any dwelling containing two or more rooming units, in which is let by the owner or operator for occupancy by three or more persons who are not the owner, wife, daughter, mother or father, or sister or brother of the owner or operator.

39. Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used as a residence, but not for cooking or eating purposes.

40. Rubbish. Combustible waste materials, except garbage, including the residue from the burning of wood, coal, coke, and other combustible materials; paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, cans; metals; mineral matter; glass; crockery; and other similar materials.

41. Safe and safety. Shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.

42. Space Heater. A self-contained, heating appliance of either the conventional type or line-voltage type and intended primarily to heat only a limited space or area such as a room or two adjoining rooms.

43. Stairway. One or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one floor or level to another in a building or structure.

44. Structure. That which is built or constructed, including without limitation enumeration, buildings for any occupancy or whatsoever, fences, signs, billboards, fire escapes, chutes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation on the ground.

45. Supplied. Paid for, furnished by, provided by, or under the control of the owner, operator, or agent.

46. Substantial Property Interest. Shall mean the interest reflected by a deed, lease, license, mortgage, land sale contract, or lien or evidence of such that is:

a. recorded in the office of the county recorder; or
b. the subject of written information that is received by the Enforcement Authority and includes the name and address of the holder of the interest described.

47. Temporary Housing. Any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

48. Toxic Substance. Any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health acute or chronic exposure levels.

49. Ventilation. The process of supplying and removing air by natural mechanical means to or from any space.

a. Mechanical Ventilation. By power driven devices.

b. Natural Ventilation. By opening to the air through windows, skylights, doors, louvers, or stacks without wind-driven devices.

50. Water Closet. A toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water-sealed trap.

51. Workmanlike. Whenever the words "workmanlike state of maintenance and repair" are used in an ordinance, they shall mean such maintenance and repair as is required in a reasonably proper manner.

b. Meaning of Certain Words - Whenever the words "dwelling," "dwelling unit," "rooming unit," "premises," "structures," are used in the ordinance they shall be construed as though they were followed by the words "or any part thereof." Words used in the singular include the plural, and the plural singular.

c. Undefined Words - Words not specifically defined in this ordinance shall have the same definition as set forth in a standard dictionary.

SEC. 14.1-2. Administration of Ordinance.

The Department of Safe Housing and Buildings Standards, hereinafter called the "Department," is authorized to administer this ordinance. The Department is hereby declared to be a part of, and under the supervision of the Division of Community Development and Planning. All persons designated by the Administrator of the Department to enforce this ordinance must have a Special Police Commission granted by the Board of Public Works and Safety authorizing them to enforce this ordinance.

SEC. 14.1-3. Delegation of Enforcement Power.

The Enforcement Authority may delegate to other city officials authority to enforce all or part of the provisions of this ordinance. The City-County Board of Health and the Fort Wayne Fire Department have full authority to enforce this ordinance.

SEC. 14.1-4. Restrictions on Employees.

No employee connected with the Enforcement Authority shall be financially interested in the

Unsafe Building Fund hereby established in the operating budget of the City of Fort Wayne in accordance with the provisions of I.C. 36-7-9-14. Money in the Unsafe Building Fund shall be held and distributed in accordance with State Law and pursuant to the instruction of the City Controller.

Article III. Safe Housing Standards.

Division 1. Generally

SEC. 14.1-9. Title and General Purpose.

This article shall be cited as the "Safe Housing Standards." This article articulates the commitment of the City to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health and safety and to regulate privately and publicly-owned dwellings for the purpose of maintaining adequate sanitation and public health; by establishing legislation which provides for the administration and enforcement of, and cites minimum standards for the following:

1. basic equipment facilities with respect to light, ventilation, and thermal conditions;
2. safety from accidents;
3. the location and amount of space for human occupancy; and
4. the deterioration of the responsibilities of owners, operators, and occupants of dwellings.

SEC. 14.1-10. Scope

The provisions of this article shall apply to all residential structures and residential portions of mixed occupancy buildings existing all the date of the adoption of this ordinance and thereafter erected, and shall apply to conversions and future conversions of existing buildings from non-residential to residential or partially residential.

Division 2. Minimum Standard for Housing

SEC. 14.1-11. Minimum Standards for Buildings.

No person shall occupy a dwelling unit for the purpose of living therein, which does not comply with the following requirements.

(a) Water Supply

The water supply system of every building used in whole or in part for dwelling purposes shall be furnished from an approved source. The water supply system shall be maintained to provide water at all times, while the dwelling or dwelling unit is occupied, a supply of water to plumbing fixtures in sufficient volume and pressures adequate to enable them to function satisfactorily.

(b) Plumbing - Installation and Maintenance.

All plumbing facilities, closets, water and waste pipes and other plumbing fixtures in every dwelling or dwelling unit shall be properly installed and maintained in good, sanitary working condition and repair; free from defects, leaks, and obstructions and in accordance with the requirements of this Standard and the Indiana Plumbing Rules, 1981 edition.

(c) Heating Facilities.

Every dwelling unit shall have heating facilities which are properly installed, operated, and maintained in safe and good working condition and properly connected to the bathtub or shower, sink, and lavatory basin. Such heating facilities shall be capable of automatically heating the water to such a temperature as to permit water to be drawn at every required bathtub or shower, sink, and lavatory basin at a temperature of not less than one hundred ten (110) degrees Fahrenheit. All gas-fired heaters shall be vented to the outside.

(d) Sewerage System.

Each dwelling and each dwelling unit shall have each drainage outlet connected to the public sanitary sewerage system, or a private sewerage system approved by the City-County Board of Health. Every plumbing stack, waste and sewerage shall:

- (1) be properly installed;
- (2) be maintained in function properly;
- (3) be kept free from obstructions, leaks, and defects to prevent health hazards.

(e) Water Closet and Lavatory Facilities.

Every dwelling unit shall contain, within a room which affords privacy, a water closet and a lavatory basin in good working condition which are properly connected to the public sanitary sewerage system or an approved sewerage disposal system. Such water closet and lavatory basin shall be located within the dwelling unit. The lavatory basin shall be properly connected to both hot and cold water lines, and the water closet shall be properly connected to cold water line.

(f) Bathing Facilities.

Every dwelling unit shall contain within a room which affords privacy, a bathtub or shower in good working condition which shall be properly connected to both hot and cold water lines and to the public sanitary sewer, or private sanitary sewerage system approved by the City-County Board of Health. Such bathing facilities shall be within and accessible from within the dwelling unit.

(g) Every dwelling unit shall contain a room or space for the preparation and cooking of food which shall include space and connections for a stove, other cooking facilities, and a space for refrigerated food storage.

(2) Every dwelling unit shall contain a sink in good working condition which shall be properly connected to both hot and cold water lines and to the public sanitary sewer. A lavatory shall be provided in every kitchen sink.

(3) The use of gasoline stoves or other similar fuel-burning appliances using highly flammable liquids and the use of portable kerosene stoves or other similar fuel-burning portable appliances for cooking is prohibited.

(4) Hoods and ducts over kitchen ranges shall be reasonably free of grease or other flammable residue that collect therein.

(h) Egress.

Every dwelling, dwelling unit and rooming unit shall have unobstructed means of egress leading

or for which it was originally intended.

(d) Dwelling. A structure, partly or wholly, intended for or being used for residential purposes.

A. Single Family Dwelling. A building containing one dwelling unit.

B. Multi-Family Dwelling. A building or portion thereof containing two or more dwelling units.

9. Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

10. Egress. An arrangement of exit facilities to assure a safe means of exit from a building to ground level.

11. Enforcement Authority. Department of Safe Housing and Building Standards of the City of Fort Wayne.

12. Enforcement Officer. The official designated herein or otherwise charged with the responsibilities of administering this ordinance.

13. Extermination. The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible, materials that may serve as food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest extermination methods approved by the local or state authority having such administrative authority.

14. Family. One individual living alone, or two or more persons living together whether related by birth or not and having the housekeeping facilities. (See also Household).

15. Floor Area. The area included within the surrounding walls of a structure exclusive of vents, shafts, and courts.

16. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food.

17. Guest. An individual who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.

18. Habitable Space. Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

19. Household. One or more individuals living together in a single dwelling unit sharing common living, sleeping, cooking and eating facilities. (See also Family).

20. Infestation. The presence, within a contiguous to a structure premises, of insects, rats, vermin, or other pests.

21. Lead-based Paint. Any paint containing more lead than the level established by the U.S. Consumer Product Safety Commission as being the "safe" level of lead in residential paint and paint products. The current level is 0.01 percent.

22. Let for Occupancy or Let. To permit possession or occupancy of a dwelling, or dwelling unit, by a person who shall be the legal owner of record or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or licensee, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

23. Occupant. Any individual, one (1) year of age, living, sleeping, cooking, or eating in or having possession of a dwelling unit; except that in dwelling units a guest shall not be considered an occupant.

24. Operator. Any person who has charge, control or control of a structure premises, which is let or offered for occupancy.

25. Owner. See "Substantial Property Interest".

26. Permissible Occupancy. Shall be the maximum number of individuals permitted to reside in a dwelling or dwelling unit.

27. Person. Any individual, firm, corporation, association, partnership, cooperative, or governmental agency.

28. Plumbing. The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances used for, intended to be used for, transfer of water or liquid waste.

29. Plumbing Fixture. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to a drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

30. Premises. A lot, plot, or parcel of land including the building or structures thereon.

31. Properly Connected. Connected in accordance with all applicable codes and ordinances of the City of Fort Wayne from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any existing connection in good working order, and not constituting a hazard to health, safety, or deterioration of property.

32. Public Nuisance. Includes the following:
a. Any physical condition, or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or the required precautions against trespassers not been provided; or
b. Any premises from which plumbing, heating, electrical and/or facilities required by this ordinance have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective; or
c. Any structure or building that is in a state of delapidation, deterioration or decay; faulty construction; overcrowded; (Sec 14.1-4) open, vacant or abandoned; damaged by fire to the extent not to provide shelter; in danger of collapse or failure and is dangerous to the premises; or

and made a part hereof, if copied verbatim. These provisions are further supplemented by the provisions of this ordinance. All proceedings within the City of Fort Wayne for the inspection, repair and removal of unsafe buildings shall be governed by I.C. 36-7-9-1 through I.C. 36-7-9-28 and by the provisions of this ordinance and any other applicable City ordinance.

SEC. 14.1-6. Unsafe Buildings and Unsafe Premises.

The description of an unsafe building contained in I.C. 36-7-9-4 is hereby supplemented to provide minimum standards for building conditions or maintenance in the City of Fort Wayne, Indiana, by adding the following. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building provided that such conditions or defects are to the extent that life, health, property, or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or it is not so arranged as to provide safe and adequate means of exit in case of fire or panic; or

2. Whenever the floors in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress of stresses approved for new buildings of similar structure, purpose, or location; or

3. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the approved minimum requirements for new buildings of similar structure, purpose, or location; or

4. Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property; or

5. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half that specified for new buildings of similar structure, purpose, or location, exceeding the working stresses approved for such buildings; or

6. Whenever any portion thereof has cracked, warped, buckled, or is tilted to such an extent that water or other structural portions have materially less resistance to winds or earthquakes than is approved in the code of similar new construction; or

7. Whenever the building or structure, or any portion thereof, because of (a) delapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay, or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse; or

8. Whenever the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used; or

9. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the footer; This item shall not be the sole criteria for evaluating non-inhabited accessory structures; or

10. Whenever the building or structure, because of the foundation, shows thirty-three percent or more damage or deterioration of its supporting members, members, or fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings; or

11. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become (a) an attractive nuisance to children, (b) freely accessible to persons for the purpose of committing unlawful acts; or

12. Whenever any building or structure that has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the Building Department of Allen County, or of any law or ordinance of the state or City relating to condition, location, or structure of buildings; or

13. Whenever any building or structure which, whether or not erected in accordance with all applicable codes and ordinances has in any non-supporting part, member, or portion less than sixty-six percent of (a) strength, (b) fire-resisting qualities or characteristics, (c) weather-resisting qualities or characteristics approved by the code of a newly-constructed building of similar height, or occupancy in the same location; or

14. Whenever a building or structure, used or intended to be used for residential or non-residential purposes because of inadequate maintenance, delapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise is determined by the Enforcement Authority to be unfit for human occupancy, to be insanitary, in such a condition that it is likely to cause sickness or disease; or

15. Whenever any building or structure, because of obsolescence, delapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connection, or heating apparatus, or for any cause, is determined by the Enforcement Authority to be a fire hazard; or

16. Whenever any portion of a building or structure is located on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period of six (6) months or as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Wayne Fire Protection Code, Chapter 12.

(k) Garbage and Rubbish.

Every dwelling unit shall have garbage and rubbish storage containers sufficient to meet the needs of the occupants. Each container shall be constructed of metal or other durable material impervious to rodents, and maintained in a sanitary condition.

SEC. 14.1-12. Minimum Standards for Light, Ventilation, Heating, and Electrical Service.

No person shall occupy, or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

(a) Light.

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area measured between sills, for every habitable room shall be ten per cent of the floor area of such room. Whenever walls or other portions of structures have a window of any such room and such light-obstructing structure is located less than three feet from the window and extend to a level above that of the ceiling of such room, such a window shall not be required to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the window area of such skylight shall equal at least fifteen per cent of the total floor area of such room.

(1) Artificial Light.

The Enforcement Authority may approve such other devices or arrangements as will adequately light a habitable room, where provision for a window or window is not possible.

(2) Lighting of Halls and Stairs.

Every public hall and stairway in every multiple dwelling containing four or more dwelling units shall be lighted at all times with natural or artificial light equal to the illumination of one foot candle. Every public hall and stairway in structures occupied solely by a dwelling occupancy and containing not more than three dwelling units shall be supplied with conveniently located light switches, controlling a lighting system which may be turned on when needed, instead of full time lighting.

(b) Ventilation.

Every habitable room shall have at least one window or skylight which can easily be opened or such other device as will ventilate the room. The total of operable window area in every habitable room shall be equal to at least forty-five per cent of the minimum window area or minimum skylight type window size, as required in subsection (a) of this section, except where there is supplied some other device affording ventilation and approved by the Enforcement Authority.

(1) Bathroom, Kitchen, Water Closet Ventilation.

Every bathroom, kitchen, and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsections (a) and (b) of this section, except that no window or skylight shall be required in ventilated bathrooms, kitchens, and water closet compartments equipped with a mechanical ventilation system which is in good operating condition.

(2) Mechanical Ventilation.

The Enforcement Authority may approve such other devices or arrangements as will adequately ventilate a habitable room, where provision for a window or windows is not possible.

(c) Locking Window Hardware.

Every readily accessible window (12) feet or of the adjacent ground shall be supplied with an adequate locking device.

(d) Screens.

The owner of a dwelling unit shall be responsible for providing and hanging all screens whenever the same are required under the provisions of this ordinance except where there is a written agreement between the owner and occupant, in the absence of such an agreement, maintenance or replacement of screens once installed in any one (1) becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling.

(1) Screens shall be required during May 1st through October 1st to provide protection against mosquitoes, flies, bats, and other insects.

(2) Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens.

(3) Screens shall not be required during such period as located four (4) stories or higher.

(4) Every basement or cellar window and every other opening to a basement which might provide entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

(e) Electrical Service.

Every dwelling unit in public and non-public buildings shall be supplied with adequate electric service, outlets and fixtures which shall be properly installed, maintained in good and safe working condition and shall be connected in the manner of electric power in a manner prescribed by the National Electrical Rules, 1981 edition.

(1) Electrical Outlets.

(a) Every habitable room shall contain at least two (2) separate convenience outlets. Outlets shall be so located as to reasonably provide service to appliances in all parts of the room. Duplex convenience outlets as herein provided, which may be lacking in occupied single family dwellings otherwise meeting the provisions of this Section shall be installed no later than one year from the passage of this ordinance.

(1) (a) A ceiling fixture may be substituted for one of the required duplex outlets in a habitable room, except the kitchen, living room, and family room.

(b) Each bathroom shall have one (1)

approved manner to prevent contact of its wiring or terminals with the body or splashing water.

(f) Electrical Fixtures.

At least one (1) supplied ceiling or wall-type electric light fixture shall be provided in every toilet room, bathroom, laundry room, furnace room, public basement, or any other area in which artificial light is required for the safety and welfare of the occupants.

(g) Heating Facilities.

Every dwelling shall have central heating facilities which are properly installed, which are maintained in a safe and good working condition and which are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit to a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance three feet above floor level, at outside temperature of zero (0) degrees Fahrenheit. No habitable room, dwelling or dwelling unit shall contain a flame-producing device or appliance for the purpose of providing the required heat in such space or room unless such device or appliance shall be provided with a permanent, proper and adequate means for supplying of combustion air and for the venting of the products of combustion. The Enforcement Authority may approve the use of vented space heaters operated and maintained according to Underwriters Laboratory standards or other approved standards of operation specified for such units.

(g) Space Heating Units. No space heater unit shall be used as the primary source for the required heat to a habitable room.

SEC. 14.1-13. Minimum Standards Relating to Safety and Sanitary Maintenance.

No person shall occupy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

(A) Sanitary Maintenance.

A clean and sanitary condition shall include but is not limited to the following standards:

(1) floors, floor coverings and other walking surfaces shall be free of filth, garbage, human and animal wastes, litter, refuse and any other unsanitary matter; (2) walls, ceilings, windows and doorways shall be free of dirt, greasy film, soot and any other unsanitary matter;

(3) water closets, lavatories, and sinks shall be kept in clean and sanitary condition; and no material shall be deposited in any such fixture which may result in the obstruction of such fixture or of any connected plumbing lines.

(B) Standards for Good Repair and Condition.

Every building and its parts thereof intended for use as a residential dwelling and premise, shall be in use at any time when the lack of maintenance affects neighboring property, be kept in good repair and in safe condition. Good repair and safe condition shall include but is not limited to the following minimum standards:

(1) Exterior Standards.

(a) Roofing shall be provided and maintained to prevent the entrance of moisture. Roofing, weathering and structural components shall be maintained to render each structurally sound.

(b) Existing gutters, leaders, and downspouts shall be maintained in operable conditions.

(2) Every exterior and interior stair, every porch and appendage shall be constructed to be safe to use and capable of supporting the load that normal use may be placed thereon.

(1) All exterior and interior steps and stairways shall be maintained so as to be free of broken, warped or loose treads and risers.

(2) Every exterior and interior flight of stairs adjacent to a wall and more than four (4) risers high shall have handrails having minimum and maximum heights of thirty (30) inches and thirty-four (34) inches respectively, measured vertically from the nosing of the treads, and at least one (1) of the handrails.

(3) Every balcony, raised floor surface, or porch elevated more than thirty (30) inches above the floor or grade below shall have guardrails not less than thirty-six (36) inches in height.

(4) Handrails and guardrails shall have intermediate rails or ornamental closures which will not allow passage of any object six (6) inches or more in diameter.

(5) All chimneys, flues, smoke pipes or similar devices shall be:

(1) structurally sound

(2) maintained in good repair.

(3) Any piece, part or attachment of structure which is unsecurely fixed as to be in danger of falling or being dislodged by the elements so that it may possibly injure any person or property shall be secured, removed, or replaced.

(4) Exterior property of premises shall be kept free of any object, material or condition, including abandoned or inoperative motor vehicles, which may create a health, accident or fire hazard, or which is public nuisance.

(5) All sheds, barns, garages, fences and other accessory structures on premises shall be maintained in good repair, free from health, accident, or fire hazards, or they shall be removed from the premises.

(6) Yard spaces and other open areas appurtenant to a dwelling shall be graded, paved or otherwise maintained.

(7) Every dwelling shall have central heating facilities which are properly installed, which are maintained in a safe and good working condition and which are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit to a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance three feet above floor level, at outside temperature of zero (0) degrees Fahrenheit. No habitable room, dwelling or dwelling unit shall contain a flame-producing device or appliance for the purpose of providing the required heat in such space or room unless such device or appliance shall be provided with a permanent, proper and adequate means for supplying of combustion air and for the venting of the products of combustion. The Enforcement Authority may approve the use of vented space heaters operated and maintained according to Underwriters Laboratory standards or other approved standards of operation specified for such units.

(8) Space Heating Units. No space heater unit shall be used as the primary source for the required heat to a habitable room.

SEC. 14.1-13. Minimum Standards Relating to Safety and Sanitary Maintenance.

required by this Standard.

(e) Egress.

The occupant of any dwelling or dwelling unit shall not obstruct in any manner any means of egress from any portion of the premises.

(f) Flammable Liquids or Gases or Combustible Materials. The occupant of any dwelling or dwelling unit shall not have or store flammable or combustible liquids or gases in any amount considered dangerous by the Fort Wayne Fire Department within the dwelling or dwelling unit.

(g) Access for Repairs.

Every occupant of a dwelling or dwelling unit shall give the owner, his/her agent or employee, access to any part of such dwelling or dwelling unit, at its premises, at all reasonable times for the purpose of making such inspection and such repairs or alterations as are necessary to effect compliance with the provisions of this Standard or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Standard.

(h) Heat.

(1) Where the heating facilities of any dwelling are under the control of the occupant thereof, it shall be the responsibility of the occupant to operate the heating facilities in order to maintain above-freezing temperatures at all times in all portions of the dwelling and the premises he/she occupies and controls so as to prevent damage to water pipes and plumbing.

(2) If an occupant has control of the heat in any other dwelling unit in addition to their own dwelling unit, then said occupant shall comply with the provisions set forth in Section 12 (f) of this article.

SEC. 14.1-16. Responsibilities of Owners.

(a) Prohibited Occupancy.

No owner shall rent, lease or permit subletting to another for occupancy any vacant or vacated dwelling or dwelling unit which does not comply with the provisions of this Standard, unless permission for such occupancy has been granted by the Enforcement Authority. Such permission shall not be unreasonably withheld by the Enforcement Authority.

(b) Sanitary Maintenance.

Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in clean and sanitary condition the shared or public areas of the dwelling and the premises thereof.

(c) Garbage, Rubbish and Ashes.

For every dwelling containing three (3) or more dwelling units, the owner shall provide in a location accessible to all dwelling units, adequate number of receptacles into which garbage, rubbish and ashes from the dwelling unit receptacles may be emptied for storage between the days of collection.

(d) Heat.

If the heating facilities of any dwelling or dwelling unit are not under the control of the occupant thereof, and except otherwise provided below in this article, it shall be the responsibility of the owner, operator, or agent in charge to operate the heating facilities, during the period between October 1 to May 1, and to maintain an inside temperature as required in Section 12 (f) of this article.

(e) Ratproofing and Pest Extermination.

Every owner shall be responsible for the eradication of any insects, rats or other pests in dwellings containing two or more dwelling units and in the shared or public parts thereof.

(f) Posting of Identification - Owner or Agent.

In any dwelling in which the owner does not reside, the name, address and telephone number of the owner or his agent or other responsible person, if any, shall be supplied in writing to the occupants of the dwelling and/or posted in a public or prominent place on the premises and the information shall be legible, accurate, and kept up-to-date. A post office box number shall be unacceptable for the address required by this section.

(g) Written Agreement.

The Enforcement Authority shall honor written agreements between owners and occupants with respect to allocation of responsibility for repair and maintenance of the premise. The presumption shall be that the owner is responsible unless the occupant presents to the Enforcement Authority a written agreement stating otherwise.

Division 3. Rooming Houses

SEC. 14.1-17. Rooming House, Rooming Units, Dormitories, Dormitory Room.

No person shall operate a rooming house or dormitory, or shall occupy or let to another for occupancy any dormitory and/or rooming unit in any rooming house or dormitory, which is not in compliance with the appropriate provisions of this section of this ordinance.

SEC. 14.1-18. Sanitation and Cleanliness.

The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of sanitary condition in every other part of the rooming house; and he/she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

SEC. 14.1-19. Violations and Notice.

Whenever upon inspection of any rooming house, the enforcement officer finds that conditions or practices exist which are in violation of any provision of this ordinance, the enforcement officer shall give notice in writing that unless such conditions or practices are corrected within a reasonable period, to be determined by the Enforcement Authority, the operation of such premises as such rooming house shall be discontinued, and, if such rooming house operation is licensed by any duly constituted governmental agency, a recommendation that such license be revoked, for the protection of public health, shall be given to such licensing governmental body or agency by the Enforcement Authority. At the end of the period the Enforcement Authority shall reinspect such rooming house, and if he/she finds that such conditions or practices have not been corrected, the Enforcement Authority shall issue an order pursuant to I.C. 36-7-9-5 or 36-7-9-17 if the owner or occupant fails to vacate the unsafe premise.

SEC. 14.1-24. Time Allowed To Vacate.

Any building, dwelling, or dwelling unit condemned as unfit for human occupation, and so designated and placarded by the Enforcement Authority shall be vacated within not less than twenty-four (24) hours or more than thirty (30) days ordered by the Enforcement Authority.

SEC. 14.1-25. Unlawful to Remove Placard.

It shall be unlawful for any person to deface, remove or alter any notice or placard from any structure or dwelling which has been placarded under this ordinance except by the express written permission of the Enforcement Authority.

SEC. 14.1-26. Reoccupancy of a Vacated Dwelling.

No building or dwelling unit which has been placarded as unfit for human occupancy shall again be used for human occupancy until written approval is secured from and such placard is removed by the Enforcement Authority. The Enforcement Authority shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

SEC. 14.1-27. Notice.

The Enforcement Authority, after posting an Order to Vacate on property, shall, in addition to I.C. 36-7-9-25, to the owner, agent, or person in control of such property, a written notice listing the violations that caused this Order to be issued and the action that this Order requires.

Article V. Vacant Building.

SEC. 14.1-28. Requirements for Vacant Buildings. The owner of any building or structure or portion thereof that is vacant shall be required to secure and maintain such according to all requirements of this Chapter relative to exterior condition of the structure and its premise.

SEC. 14.1-29. Boarding Specifications.

Unsecured openings in any building, dwelling, dwelling unit, or structure shall be secured with one-half inch (1/2") C.D.X. plywood to be nailed with eight (8) d. Ardox siding nails or equal to the frame of the opening. Other boarding specifications may be approved by the Department.

Article VI. Enforcement.

SEC. 14.1-30. Inspection Authority.

The Enforcement Authority shall inspect buildings, dwellings, dwelling units and structures and premises based on the following provisions:

(a) The Enforcement Authority is hereby authorized and directed to make inspections where probable cause exists or with consent of the owner, agent, or occupant to determine the condition of buildings, dwellings, dwelling units, rooming units and premises located within the City of Fort Wayne in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Enforcement Authority is hereby authorized to enter, examine and survey at all reasonable times all buildings, dwellings, dwelling units, rooming units and premises. In the event the owner or occupant of any building, dwelling, dwelling unit or rooming unit or the person in charge thereof, refuses to give the Enforcement Authority free access to such dwelling, dwelling unit or rooming unit and its premises, the Enforcement Authority may apply for an inspection warrant pursuant to I.C. 36-7-9-16.

(b) Where conditions of an area, passage of time, the nature of the building, or need to conduct periodic, area-wide inspection exists, and where showing of such is made by affidavit, an inspection warrant shall be issued by the court of record in Allen County directing the inspection of the property concerned.

(c) The Enforcement Authority is authorized in order to protect the life, health and safety of persons or property to take emergency action and recover costs.

(d) The Enforcement Authority is authorized and directed to proceed with full inspection of any structure that is deemed to be a public nuisance by the fact that it is unsealed, unsecured, and vacant.

SEC. 14.1-31. Notices; Hearing.

(a) Whenever the Enforcement Authority determines there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, it may give notice of such alleged violation to the person or persons responsible therefore. The Enforcement Authority is not required to give a notice prior to an Order pursuant to I.C. 36-7-9-5.

(b) Any person affected by any notice of any provision of this ordinance may request and shall be granted a hearing on the matter before the Enforcement Authority, provided, that such person shall file in the office of the Enforcement Authority a written petition requesting such hearing and setting forth a brief statement of the ground therefore within ten (10) days after the day the notice is served. Upon receipt of such petition the Enforcement Authority shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided, that upon application of the petitioner the Enforcement Authority may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if in its judgment the petitioner has submitted good and sufficient reason for such postponement.

(c) When the Enforcement Authority issues an Order to Repair, a hearing shall be conducted pursuant to I.C. 36-7-9-7.

(d) The hearing officer shall not be an employee of the City of Fort Wayne.

SEC. 14.1-32. Violations and Penalties.

Any violation of I.C. 36-7-9-28 or any provision of

1, The Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above [redacted] foregoing is a full, true and complete copy of General Ordinance No. G-31-85, passed by the Common Council on the 23rd day of December, 1985, and that said Ordinance was duly signed and approved by the Mayor [redacted] on the 30th day of December, 1985, and [redacted] on [redacted] and [redacted]



The City of Fort Wayne

January 2, 1986

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the dates of January 6, 1986 and January 13, 1986, in both the News Sentinel and Journal Gazette.


RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-85-10-44
General Ordinance No. G-31-85
(as amended) (as amended) (as amended)
(as amended)

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,


Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 23rd day of
December, 19 85, the Common Council of the City
of Fort Wayne, Indiana, in a Special Session did pass
the following Bill No. G-85-10-44 (as amended) (as amended) (as amended)
(as amended)
General Ordinance No. G-31-85 to-wit:

BILL NO. B-85-10-44

ORDINANCE NO. G-85-10-44
As amended as amended as
amended as amended

AN ORDINANCE amending the Municipal Code
of the City of Fort Wayne, Indiana; by
adopting I.C. 36-7-9-1 et seq. dealing
with the enforcement of unsafe building
standards; by adopting safe housing
standards; by creating a Safe Housing
and Building Advisory Commission; by
repealing a previous ordinance and
adopting certain additional provi-
sions.

WHEREAS, it is necessary for the City of Fort Wayne,
Indiana, to have an updated Unsafe Building Standard; and

WHEREAS, it is in the best interests of this City
and its citizens to adopt new Safe Housing Standards to
protect public health, safety and general welfare; and

WHEREAS, said new Standards will specifically insure
that no residential or commercial buildings within the
City of Fort Wayne will endanger the life, health, property
and safety of the public or its occupants; and

WHEREAS, said new Standards are specifically intended
to insure that all buildings, dwellings, dwelling units,
and accessory structures are safe, sanitary and fit for
human occupancy; and to provide for the correction, repair
or removal of all substandard structures.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Repeal.

General Ordinance G-14-74, relating to unsafe buildings
and premises, is hereby repealed. Chapter 14, Article IV,
Sections 14-23 through 14-60 of the Municipal Code of the
City of Fort Wayne, Indiana is repealed.



The City of Fort Wayne

MEMORANDUM

DATE: December 17, 1985
TO: City Council Members
FROM: Safe Housing Enforcement Department *SMS*
RE: Ordinance G-85-10-44

The following are two Scrivener's in the above-mentioned document:

Page 44, Line 16: Delete "equivalent and insert "equal"

Page 45, Line 17: Insert after "authorized"
"in order to protect the life, health, and
safety of persons or property."

BILL NO. G-85-10-44 (AS AMENDED) (AS AMENDED) (AS AMENDED)

REPORT OF THE COMMITTEE ON PUBLIC RELATIONS

WE, YOUR COMMITTEE ON PUBLIC RELATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Municipal Code
of the City of Fort Wayne, Indiana; by adopting I.C. 36-7-9-1 et seq.
dealing with the enforcement of unsafe building standards; by adopting
safe housing standards; by creating a Safe Housing and Building
Advisory Commission; by repealing a previous ordinance and adopting
certain additional provisions

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

James S. Stier
JAMES S. STIER
CHAIRMAN

Janet G. Bradbury
JANET G. BRADBURY
VICE CHAIRWOMAN

Ben A. Eisbart
BEN A. EISBART

Charles B. Redd
CHARLES B. REDD

Donald J. Schmidt
DONALD J. SCHMIDT

Thomas C. Henry
THOMAS C. HENRY

Mark E. GiaQuinta
MARK E. GIAQUINTA

Paul M. Burns
PAUL M. BURNS

Samuel J. Talarico
SAMUEL J. TALARICO

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK

BILL NO. 6-85-10-44

REPORT OF THE COMMITTEE ON PUBLIC RELATIONS

WE, YOUR COMMITTEE ON PUBLIC RELATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) _____

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION) AS AMENDED

YES

NO

_____	JAMES S. STIER	_____
_____	CHAIRMAN	_____
_____	JANET G. BRADBURY	_____
_____	VICE CHAIRWOMAN	_____
<u>Ben A. Eisbart</u>	BEN A. EISBART	_____
_____	CHARLES B. REDD	_____
_____	DONALD J. SCHMIDT	<u>Donald J. Schmidt</u>
_____	THOMAS C. HENRY	_____
_____	MARK E. GiaQUINTA	_____
_____	PAUL M. BURNS	_____
<u>Samuel J. Talarico</u>	SAMUEL J. TALARICO	_____

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK